

AMENDED IN SENATE MARCH 9, 2015

SENATE BILL

No. 65

Introduced by Senator Wolk

January 6, 2015

An act to ~~add~~ *amend* Section ~~79901.5 to 112895~~ of the ~~Food and Agricultural Health and Safety Code~~, relating to olive oil.

LEGISLATIVE COUNSEL'S DIGEST

SB 65, as amended, Wolk. ~~Olive oil grades, production, and marketing: Olive Oil Commission of California: producers: exemption: Food labeling: olive oil.~~

Existing law requires the State Department of Public Health to enforce various laws regarding the manufacture, blending, production, and sale of olive oil. Existing law requires that olive oil produced, processed, sold, offered for sale, given away, or possessed in this state, that indicates on its label "California Olive Oil" or otherwise indicates that California is the source of the oil be made of oil derived solely from olives grown in California. Existing law requires any olive oil produced, processed, sold, offered for sale, given away, or possessed in this state, that indicates on its label that it is from an area that is one of the approved American Viticultural Areas under federal law, to be made of oil 75% of which is derived solely from olives grown in that approved American Viticultural Area. A violation of these provisions is a crime.

This bill would delete the provision regarding olive oil from American Viticultural Areas and, instead, require that olive oil labeled as coming from a specific region in California be made of oil at least 85% of which, by weight, is derived solely from olives grown in the specified region. The bill would also require that olive oil labeled as coming from a specific estate in California be made of oil at least 95% of which,

by weight, is derived solely from olives grown on the specified estate. By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes the Olive Oil Commission of California and the commission's board of directors. The board of directors, among other things, establishes an assessment to be paid by producers of olive oil and is authorized to recommend to the Secretary of Food and Agriculture the adoption and amendment of olive oil grades and labeling standards, as specified. For purposes of the commission, existing law defines a producer as a person who produces or causes to be produced olives that are processed into olive oil in the amount of 5,000 gallons or more during the marketing season.~~

~~Existing law also requires the State Department of Public Health to enforce various provisions of law regarding the manufacture, blending, production, and sale of olive oil.~~

~~This bill would exempt a producer under the Olive Oil Commission of California from these manufacturing, blending, production, and sale of olive oil provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 112895 of the Health and Safety Code is
- 2 amended to read:
- 3 112895. (a) It is unlawful to manufacture, sell, offer for sale,
- 4 give away, or to possess imitation olive oil in California.
- 5 (b) This section does not prohibit the blending of olive oil with
- 6 other edible oils, if the blend is not labeled as olive oil or imitation
- 7 olive oil, is clearly labeled as a blended vegetable oil, and if the
- 8 contents and proportions of the blend are prominently displayed
- 9 on the container's label, or if the oil is a flavored olive oil.
- 10 (c) ~~Any~~ If any olive oil is produced, processed, sold, offered for
- 11 sale, given away, or possessed in California, that indicates on its

1 label “California Olive Oil,” or uses words of similar import that
2 indicate that California is the source of the oil, *100 percent of that*
3 *oil shall be made of oil derived solely from olives grown in*
4 *California.*

5 (d) ~~Any olive-Olive~~ oil produced, processed, sold, offered for
6 sale, given away, or possessed in California, that indicates on its
7 label that it is from an area that is one of the approved American
8 ~~Viticultural Areas as set forth in Part 9 (commencing with Sec.~~
9 ~~9.1) of Title 27 of the Code of Federal Regulations shall be made~~
10 ~~of oil 75 percent of which is derived solely from olives grown in~~
11 ~~that approved American Viticultural Area. a specific region of~~
12 *California shall be made of oil at least 85 percent of which , by*
13 *weight, is derived from olives grown in the specified region.*

14 (e) *Olive oil produced, processed, sold, offered for sale, given*
15 *away, or possessed in California, that indicates on its label that*
16 *it is from a specific estate in California shall be made of oil at*
17 *least 95 percent of which, by weight, is derived from olives grown*
18 *on the specified estate.*

19 (e)

20 (f) *Olive-pomace oil shall not be labeled as olive oil.*

21 *SEC. 2. No reimbursement is required by this act pursuant to*
22 *Section 6 of Article XIII B of the California Constitution because*
23 *the only costs that may be incurred by a local agency or school*
24 *district will be incurred because this act creates a new crime or*
25 *infraction, eliminates a crime or infraction, or changes the penalty*
26 *for a crime or infraction, within the meaning of Section 17556 of*
27 *the Government Code, or changes the definition of a crime within*
28 *the meaning of Section 6 of Article XIII B of the California*
29 *Constitution.*

30 ~~SECTION 1. Section 79901.5 is added to the Food and~~
31 ~~Agricultural Code, to read:~~

32 ~~79901.5. A producer, as defined in Section 79821, shall not be~~
33 ~~subject to the provisions of Chapter 9 (commencing with Section~~
34 ~~112875) of Part 6 of Division 104 of the Health and Safety Code.~~