

**Introduced by Senator Nguyen
(Coauthor: Senator Huff)**

(Coauthors: Assembly Members Chang, Kim, McCarty, and Williams)

February 8, 2016

An act to amend Section 111223 of, to amend the heading of Article 14 (commencing with Section 111222) of Chapter 5 of Part 5 of Division 104 of, and to add Section 114429.3 to, the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as introduced, Nguyen. Vietnamese rice cakes.

Existing law, the Sherman Food, Drug, and Cosmetic Law, requires all manufacturers of Korean rice cakes, as defined, to place a label issued by the Korean Rice Cake Association Corporation on the Korean rice cake that indicates the date of manufacture, and requires the label to include a statement that the rice cake must be consumed within one day of manufacture. A violation of these provisions is a crime.

This bill would require a manufacturer of Vietnamese rice cakes to place a label on the Vietnamese rice cake that indicates the date of manufacture, and would require the label to include a statement that the rice cake must be consumed within 3 days of manufacture. By creating a new crime, this bill would impose a state-mandated local program.

Existing law, the California Retail Food Code, provides for the regulation of health and sanitation standards for food facilities, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing the California Retail Food Code. A violation of any of these provisions is a crime. Existing law authorizes a food facility to sell Korean rice cakes,

as defined, that have been at room temperature for no more than 24 hours, and requires, at the end of the operating day, Korean rice cakes that have been at room temperature for no more than 24 hours to be destroyed in a manner approved by the enforcement agency.

This bill would also authorize a food facility to sell Vietnamese rice cakes that have been at room temperature for no more than 72 hours, and would require, at the end of the operating day, Vietnamese rice cakes that have been at room temperature for no more than 72 hours to be destroyed in a manner approved by the enforcement agency. By imposing new enforcement requirements on local health agencies, and by creating a new crime, 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. The heading of Article 14 (commencing with
 2 Section 111222) of Chapter 5 of Part 5 of Division 104 of the
 3 Health and Safety Code is amended to read:

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 5 Article 14. Asian Rice Noodles and Korean Noodles, Korean
 6 Rice Cakes, and Vietnamese Rice Cakes
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8 SEC. 2. Section 111223 of the Health and Safety Code is
 9 amended to read:

10 111223. (a) (1) All manufacturers of Asian rice-based noodles
 11 shall place a label on the packaging of Asian rice-based noodles
 12 that indicates the date and time that the product first came out of
 13 hot holding at temperatures above 135 degrees Fahrenheit and

1 includes a statement that the Asian rice-based noodles are
2 perishable.

3 (2) The product packaging shall only be labeled once.

4 (3) Notwithstanding paragraphs (1) and (2), this section shall
5 not apply to Asian rice-based noodles that have a pH of 4.6 or
6 below, have a water activity of 0.85 or below, or have been
7 determined by the department to be nonpotentially hazardous foods
8 based on formulation and supporting laboratory documentation
9 submitted to the department by the manufacturer.

10 (b) All manufacturers of Korean rice cakes shall place a label
11 issued by the Korean Rice Cake Association Corporation on the
12 Korean rice cake that indicates the date of manufacture. The Korean
13 rice cakes label shall include a statement that the rice cake must
14 be consumed within one day of manufacture.

15 (c) *All manufacturers of Vietnamese rice cakes shall place a*
16 *label on the Vietnamese rice cake that indicates the date of*
17 *manufacture. The Vietnamese rice cakes label shall include a*
18 *statement that the rice cake must be consumed within three days*
19 *of manufacture.*

20 SEC. 3. Section 114429.3 is added to the Health and Safety
21 Code, to read:

22 114429.3. (a) Notwithstanding Sections 113996 and 114343
23 and if permitted by federal law, a food facility may sell Vietnamese
24 rice cakes that have been at room temperature for no more than
25 72 hours.

26 (b) At the end of the operating day, Vietnamese rice cakes that
27 have been at room temperature for no more than 72 hours shall be
28 destroyed in a manner approved by the enforcement agency.

29 (c) All manufacturers of Vietnamese rice cakes shall place a
30 label on the Vietnamese rice cake as prescribed by Section 111223.

31 SEC. 4. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution for certain
33 costs that may be incurred by a local agency or school district
34 because, in that regard, this act creates a new crime or infraction,
35 eliminates a crime or infraction, or changes the penalty for a crime
36 or infraction, within the meaning of Section 17556 of the
37 Government Code, or changes the definition of a crime within the
38 meaning of Section 6 of Article XIII B of the California
39 Constitution.

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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