

AMENDED IN SENATE AUGUST 25, 1997

AMENDED IN ASSEMBLY MAY 5, 1997

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 1559

Introduced by ~~Committee on Agriculture (Cardoza (Chair),
House (Vice Chair), Brown, Ducheny, Frusetta, Machado,
Perata, Prenter, and Thomson)~~ *Assembly Member Cardoza*

March 10, 1997

An act to amend Section 17065 of the Food and Agricultural Code, ~~relating to~~ *and to amend Section 110050 of, and to amend and repeal Section 110485 of, the Health and Safety Code, relating to food and agriculture.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1559, as amended, ~~Committee on Agriculture~~
Cardoza. Estrays Food and agriculture.

~~Existing~~

(1) ~~Existing~~ law provides for the seizure and disposition of estrayed stock and domestic animals. Existing law requires the Secretary of Food and Agriculture to cause a notice of the taking up of the animal to remain posted for a period of 14 days on a bulletin board in each office of the Bureau of Livestock Identification.

This bill would additionally permit the secretary to distribute the notice to the county department of agriculture and all sales yards in the state.

(2) Existing law requires every person to register with the State Department of Health Services upon first engaging in the manufacture, packing, or holding of processed food in this state. Existing law also requires each of these registrants to pay a surcharge of \$100 to the Department of Pesticide Regulation, which funds are deposited in the Food Safety Account in the Department of Pesticide Regulation Fund.

This bill would rename that surcharge the “food safety fee” and would require that fee to be paid to the State Department of Health Services. The bill would require the deposit of those funds in the Food Safety Fund in the State Treasury. The bill would specify that the funds shall be used by the state department, upon appropriation, to assist in developing and implementing education and training programs related to food safety. These provisions governing the food safety fee would be repealed on January 1, 2001.

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

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

1 SECTION 1. Section 17065 of the Food and
 2 Agricultural Code is amended to read:
 3 17065. (a) If the owner is not found, and the
 4 estimated value of the animal exceeds two hundred
 5 twenty-five dollars (\$225), the secretary shall cause a
 6 notice of the taking up of, and intent to sell the animal to
 7 be prepared. The notice may be distributed to the county
 8 department of agriculture and to all sales yards in the
 9 state. The secretary may limit distribution of the notice,
 10 however, to those sales yards that deal in the same type
 11 of animal as the animal that is taken up.
 12 (b) The notice shall be posted for a period of 14 days
 13 on a bulletin board in each office of the Bureau of
 14 Livestock Identification.
 15 (c) In addition to posting and distributing the notice,
 16 the secretary shall periodically publish a list of the animals
 17 for which notice was given pursuant to this section,
 18 including the brands and descriptions of the branded
 19 animals and descriptions of the unbranded animals in the



1 classified section of a livestock industry publication that
2 is in general circulation throughout the State of
3 California.

4 *SEC. 2. Section 110050 of the Health and Safety Code*
5 *is amended to read:*

6 110050. The Food Safety Fund is hereby created as a
7 special fund in the State Treasury. All moneys collected
8 by the department under ~~Section~~ *Sections 110470 and*
9 *110485* and under Article 7 (commencing with Section
10 110810) of Chapter 5 shall be deposited in the ~~Food Safety~~
11 ~~Fund~~ *fund*, for use by the department, upon
12 appropriation by the Legislature, for the purposes of
13 providing funds necessary to carry out and implement
14 the inspection provisions of this part relating to food, ~~the~~
15 ~~provisions relating to education and training in the~~
16 ~~prevention of microbial contamination pursuant to~~
17 ~~Section 110485~~, and the registration provisions of Article
18 7 (commencing with Section 110810) of Chapter 5.

19 *SEC. 3. Section 110485 of the Health and Safety Code*
20 *is amended to read:*

21 110485. ~~In addition to the fee paid pursuant to Section~~
22 ~~110470, each registrant~~ *(a) Every person who is engaged*
23 *in the manufacture, packing, or holding of processed food*
24 *in this state shall pay a* ~~surecharge~~ *food safety fee* of one
25 hundred dollars (\$100) to the ~~Department of Pesticide~~
26 ~~Regulation, in a form and manner that the Director of~~
27 ~~Pesticide Regulation prescribes~~ *department in addition*
28 *to any fees paid pursuant to Section 110470. This section*
29 *shall not apply to those registrants the Director of*
30 ~~Pesticide Regulation determines should not be assessed~~
31 ~~due to a determination of limited applicability pursuant~~
32 ~~to Sections 12535, 12536, 12797, 12798, 13134, and 13135 of~~
33 ~~the Food and Agricultural Code or Section 110455 of this~~
34 ~~code to those registrants, or because substantial economic~~
35 ~~hardship would result to individual registrants. Revenue~~

36 *(b) Revenue* received pursuant to this section shall be
37 deposited in the Food Safety ~~Account in the Department~~
38 ~~of Pesticide Regulation~~ *Fund created pursuant to Section*
39 *110050. A penalty of 10 percent per month shall be added*
40 *to any* ~~surecharge~~ *food safety fee* not paid when due.



1 (c) Upon appropriation, the funds in the Food Safety
2 Fund shall be used by the department to assist in
3 developing and implementing education and training
4 programs related to food safety. These programs shall be
5 developed in consultation with representatives of the
6 food processing industry. Implementation shall include
7 education and training in the prevention of microbial
8 contamination.

9 (d) This section does not apply to companies
10 exclusively involved in flour milling, dried bean
11 processing, or in the drying or milling of rice, or to those
12 individual registrants the director determines should not
13 be assessed because substantial economic hardship would
14 result to those registrants. For the purposes of this
15 subdivision, the substantial hardship exemption shall be
16 extended only to registrants whose wholesale gross
17 annual income from the registered business is twenty
18 thousand dollars (\$20,000) or less.

19 (e) This section shall remain in effect only until
20 January 1, 2001, and as of that date is repealed, unless a
21 later enacted statute, that is enacted before January 1,
22 2001, deletes or extends that date.

23 SEC. 4. The Legislature finds and declares that it is in
24 the public interest for the state government to take an
25 active and cooperative role in maintaining the safety and
26 wholesomeness of processed agricultural products grown
27 within the state. It is the intent of the Legislature to direct
28 the State Department of Health Services to expand
29 developing microbial-based education and training
30 programs related to food safety and to assist processors
31 and other food handlers establish effective food safety
32 practices. In this effort, the State Department of Health
33 Services shall work in cooperation with the Department
34 of Food and Agriculture to share information relating to
35 food safety. All segments of agriculture will benefit from
36 a greater awareness and understanding of the
37 importance of food safety practices that prevent
38 microbial contamination. In addition, the
39 microbial-based education and training programs will
40 benefit California consumers by educating and assisting



- 1 *the food industry in using the best available food safety*
- 2 *technologies.*

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