

Assembly Bill No. 2710

Passed the Assembly August 31, 2000

Chief Clerk of the Assembly

Passed the Senate August 30, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

An act to add Section 32930 to the Food and Agricultural Code, relating to dairy products.

LEGISLATIVE COUNSEL'S DIGEST

AB 2710, House. Dairy products: unlawful processing.

Existing law regulates the processing of dairy products, as specified, and makes the violation of any of these regulatory provisions a misdemeanor.

This bill would, in addition, provide that (a) the sale or giving away of a dairy product shall be made only to an approved and licensed dairy product processor, producer, or manufacturer; (b) the Department of Food and Agriculture and the State Department of Health Services shall enforce all pertinent laws against an unlicensed or unauthorized processor, producer, or manufacturer of any cheese, ice cream, or other dairy product; (c) the Department of Food and Agriculture, in consultation with the State Department of Health Services and local or county health officials, shall, to the best of their ability, whenever a food related illness is deemed to have occurred as the result of the improper processing, producing, or manufacturing of any cheese, ice cream, or other dairy product, promptly investigate the product; and (d) the unlawful and unauthorized use of the business labeling of any legitimate processor, producer, or manufacturer of any cheese, ice cream, or other dairy product is a misdemeanor. By creating new crimes and increasing the duties of local officials, this bill would impose a state-mandated local program upon local governments.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000



statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

SECTION 1. Section 32930 is added to the Food and Agricultural Code, to read:

32930. (a) No milk producer shall sell or give away any milk product that is intended to be processed or manufactured for resale as a cheese, ice cream, or other dairy product to other than an approved and licensed dairy product processor, producer, or manufacturer.

(b) The Department of Food and Agriculture and the State Department of Health Services shall be alert to any violation of all pertinent laws by an unlicensed or unauthorized processor, producer, or manufacturer of any cheese, ice cream, or other dairy product, and shall promptly and effectively enforce these laws against those violators.

(c) Whenever a food-related illness deemed by the State Department of Health Services to be associated with the production, manufacturing, or distribution of any cheese, ice cream, or other dairy product, the Department of Food and Agriculture in consultation with the State Department of Health Services and local or county health officials shall, to the best of their ability, investigate the product and shall assure the consumers of this state that the laws pertaining to the lawful and proper processing of any cheese, ice cream, or other dairy product are being properly and effectively enforced.

(d) The unlawful and unauthorized use of the business labeling of any legitimate processor, producer, or



manufacturer of any cheese, ice cream, or other dairy product is a misdemeanor.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



Approved _____, 2000

Governor

