

ASSEMBLY BILL

No. 2297

Introduced by Assembly Member Vargas

February 19, 2004

An act to add Chapter 5.5 (commencing with Section 105320) to Part 5 of Division 103 of the Health and Safety Code, relating to lead contamination of candy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2297, as introduced, Vargas. Candy: maximum allowable lead levels.

Under existing law, the State Department of Health Services is responsible for administering the Childhood Lead Poisoning Prevention Act of 1991. Existing law requires the department to establish a childhood lead poisoning prevention program to identify and conduct medical followup of high-risk children, and to establish procedures for environmental abatement and followup designed to reduce the incidence of excessive childhood lead exposures. Existing law requires the department to assess a fee for these purposes against persons who contributed to sources of lead contamination.

This bill would, in addition, require the department to monitor lead levels in candy sold or distributed in the state to determine the lead levels contained in the candy. The bill would require the department to establish maximum allowable lead levels for candy.

This bill would require the department, if it tests candy and determines that the candy exceeds the maximum allowable lead level, to issue health advisory notices to county health departments alerting them to the dangers posed by consumption of the candy, and to notify the manufacturer and distributor of the candy that the candy exceeds the

maximum allowable lead level and that the candy may not be sold or distributed in the state unless further testing proves that the candy is in compliance with the maximum allowable lead level.

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. The Legislature finds and declares that
2 dangerous lead levels have been found in candy.

3 SEC. 2. Chapter 5.5 (commencing with Section 105320) is
4 added to Part 5 of Division 103 of the Health and Safety Code, to
5 read:

6

7

CHAPTER 5.5. LEAD IN CANDY

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9 105320. (a) The department shall monitor lead levels in all
10 candy sold or distributed in the state. Monitoring shall include
11 sampling and testing to determine the lead levels contained in the
12 candy.

13 (b) The department shall establish maximum allowable lead
14 levels for all candy sold or distributed in the state. In establishing
15 these levels, the department shall consider any relevant standards,
16 guidelines, and information available from the federal Food and
17 Drug Administration and the federal Centers for Disease Control
18 and Prevention, and any other source that the department deems
19 appropriate.

20 (c) If the lead level in a candy that is tested by the department
21 pursuant to subdivision (a) exceeds the maximum allowable lead
22 level, the department shall do both of the following:

23 (1) Issue health advisory notices to county health departments
24 alerting them to the danger posed by consumption of the candy.

25 (2) Notify the manufacturer and the distributor of the candy
26 that the candy exceeds the maximum allowable lead level, and that
27 the candy may not be sold or distributed in the state until further
28 testing proves that the candy is in compliance with the maximum
29 allowable lead level.

30 (d) (1) If a candy exceeds the maximum allowable lead level,
31 the manufacturer or distributor may correct the problem and
32 resubmit the candy to the department for further testing.



1 (2) If the lead content of the candy is below the maximum
2 allowable lead level when it is retested, the department shall
3 provide the manufacturer or distributor and the county health
4 department with a letter stating that the candy has been retested and
5 determined to contain less than the maximum allowable lead level
6 established by the department, and that the sale and distribution of
7 the candy in the state may resume.

8 (3) If the candy still exceeds the maximum allowable lead level
9 after it has been retested, the manufacturer or distributor may take
10 corrective measures and continue to resubmit samples for testing
11 until the candy's lead content is below the maximum allowable
12 lead level if the manufacturer or distributor wishes to sell or
13 distribute the candy in the state.

