

ASSEMBLY BILL

No. 97

Introduced by Assembly Member Mendoza

December 21, 2006

An act to add Article 6.6 (commencing with Section 110808) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 97, as introduced, Mendoza. Food: trans fats.

The Sherman Food, Drug, and Cosmetic Act contains various provisions regarding the contents, packaging, labeling, and advertising of food, drugs, and cosmetics. The State Department of Health Services administers and enforces this act. Effective July 1, 2007, these duties shall be transferred to the State Department of Public Health.

This bill would require every food facility to maintain on the premises the manufacturer's documentation or label for any food or food additive that is or includes any fat, oil, or shortening, for as long as this food or food additive is stored, distributed, or served by, or used in the preparation of food within, the food facility. The bill would require the manufacturer's documentation to be authorized by the department and to disclose specified information.

This bill would also, on and after July 1, 2008, prohibit oil, shortening, or margarine containing specified trans fats for specified purposes, from being stored, distributed, or served by, or used in the preparation of any food within, a food facility. It would also, on and after July 1, 2009, prohibit any food containing artificial trans fat, from being stored, distributed, or served by, or used in the preparation of any food within,

a food facility. The bill would exempt from these prohibitions, food sold or served in a manufacturer's original, sealed package.

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. Article 6.6 (commencing with Section 110808)
2 is added to Chapter 5 of Part 5 of Division 104 of the Health and
3 Safety Code, to read:

4
5 Article 6.6. Trans Fats
6

7 110808. (a) Every food facility shall maintain on the premises
8 the manufacturer's documentation or label for any food or food
9 additive that is or includes any fat, oil, or shortening, for as long
10 as this food or food additive is stored, distributed, or served by, or
11 used in the preparation of food within, the food facility. The label
12 described in this subdivision refers to the label that is required by
13 applicable federal and state law to be on the food or food additive
14 at the time of purchase by the food facility. The manufacturer's
15 documentation may be maintained in lieu of the label. The
16 manufacturer's documentation shall be maintained whenever the
17 label is not required by federal and state law on the food or food
18 additive that is or includes any fat, oil, or shortening. The
19 manufacturer's documentation described in this subdivision shall
20 be authorized by the department and disclose one or both of the
21 following:

22 (1) The trans fat content of the food or food additive.

23 (2) Whether a food or food additive is or includes margarine,
24 vegetable shortening, or any kind of partially hydrogenated
25 vegetable oil.

26 (b) (1) On and after July 1, 2008, no oil, shortening, or
27 margarine containing artificial trans fat for use in spreads or frying,
28 except for the deep frying of yeast dough or cake batter, may be
29 stored, distributed, or served by, or used in the preparation of any
30 food within, a food facility.

31 (2) On and after July 1, 2009, no food containing artificial trans
32 fat, including oil and shortening that contains artificial trans fat
33 for use in the deep frying of yeast dough or cake batter, may be

1 stored, distributed, or served by, or used in the preparation of any
2 food within, a food facility.

3 (c) Subdivision (b) shall not apply to food sold or served in a
4 manufacturer's original, sealed package.

5 (d) For purposes of this section, a food contains artificial trans
6 fat if the food contains vegetable shortening, margarine, or any
7 kind of partially hydrogenated vegetable oil, unless the
8 manufacturer's documentation or the label required on the food,
9 pursuant to applicable federal and state law, lists the trans fat
10 content as less than 0.5 grams per serving.

11 (e) For purposes of this section, food facility has the same
12 meaning as in Section 113789.

13 (f) Section 111825 shall not apply to a violation of this section.