

AMENDED IN SENATE APRIL 24, 2008  
AMENDED IN SENATE AUGUST 31, 2007  
AMENDED IN SENATE JULY 18, 2007  
AMENDED IN ASSEMBLY JUNE 5, 2007  
AMENDED IN ASSEMBLY JUNE 1, 2007  
AMENDED IN ASSEMBLY MARCH 13, 2007  
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 97**

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**Introduced by Assembly Member Mendoza**

December 21, 2006

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An act to ~~amend Section 113705 of, and to add Chapter 12.6 (commencing with Section 114377) to Part 7 of Division 104 of, the Health and Safety Code, relating to food facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 97, as amended, Mendoza. Food facilities: trans fats.

~~The~~

*Existing law, the California Uniform Retail Food Facilities Law (CURFFL), provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing CURFFL. ~~The~~ A violation of ~~the law~~ CURFFL is a misdemeanor.*

This bill would require every food facility, except a public school cafeteria, to maintain on the premises the label required 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.

This bill would also, commencing January 1, 2010, 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, commencing January 1, 2011, 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, specified public school cafeterias and food sold or served in a manufacturer’s original, sealed package. ~~The bill would, on and after January 1, 2013, authorize a local governing body to adopt a more stringent ordinance regulating the use of trans fat in food.~~

By creating a new crime and adding to the duties of local officials, 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. Section 113705 of the Health and Safety Code,~~  
2     ~~as added by Section 2 of Chapter 23 of the Statutes of 2006, is~~  
3     ~~amended to read:~~  
4     ~~113705. The Legislature finds and declares that the public~~  
5     ~~health interest requires that there be uniform statewide health and~~  
6     ~~sanitation standards for retail food facilities to assure the people~~  
7     ~~of this state that the food will be pure, safe, and unadulterated.~~  
8     ~~Except as provided in Sections 113709 and 114377.1, it is the~~  
9     ~~intent of the Legislature to occupy the whole field of health and~~  
10    ~~sanitation standards for retail food facilities, and the standards set~~  
11    ~~forth in this part and regulations adopted pursuant to this part shall~~

1 ~~be exclusive of all local health and sanitation standards relating to~~  
2 ~~retail food facilities.~~

3 ~~SEC. 2.~~

4 *SECTION 1.* Chapter 12.6 (commencing with Section 114377)  
5 is added to Part 7 of Division 104 of the Health and Safety Code,  
6 to read:

7

8

CHAPTER 12.6. TRANS FATS

9

10 114377. (a) Every food facility shall maintain on the premises  
11 the label for any food or food additive that is or includes any fat,  
12 oil, or shortening, for as long as this food or food additive is stored,  
13 distributed, or served by, or used in the preparation of food within,  
14 the food facility. The label described in this subdivision refers to  
15 the label that is required by applicable federal and state law to be  
16 on the food or food additive at the time of purchase by the food  
17 facility.

18 (b) (1) Commencing January 1, 2010, no oil, shortening, or  
19 margarine containing artificial trans fat for use in spreads or frying,  
20 except for the deep frying of yeast dough or cake batter, may be  
21 stored, distributed, or served by, or used in the preparation of any  
22 food within, a food facility.

23 (2) Commencing January 1, 2011, no food containing artificial  
24 trans fat, including oil and shortening that contains artificial trans  
25 fat for use in the deep frying of yeast dough or cake batter, may  
26 be stored, distributed, or served by, or used in the preparation of  
27 any food within, a food facility.

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

30 (d) For purposes of this section, a food contains artificial trans  
31 fat if the food contains vegetable shortening, margarine, or any  
32 kind of partially hydrogenated vegetable oil, unless the label  
33 required on the food, pursuant to applicable federal and state law,  
34 lists the trans fat content as less than 0.5 grams per serving.

35 (e) This section shall not apply to public elementary, middle,  
36 junior high, or high school cafeterias.

37 (f) Notwithstanding Section 114395, a violation of this section  
38 shall be punishable by a fine of not less than twenty-five dollars  
39 (\$25) or more than one thousand dollars (\$1,000).

1     ~~114377.1. Until January 1, 2013, this chapter shall occupy the~~  
 2 ~~entire field concerning the use of trans fat in food, exclusive of all~~  
 3 ~~local ordinances and standards. On and after January 1, 2013,~~  
 4 ~~nothing in this chapter shall prohibit a local governing body from~~  
 5 ~~adopting a local ordinance that regulates the use of trans fat in~~  
 6 ~~food if the ordinance is more stringent than the requirements of~~  
 7 ~~this chapter.~~

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

17     However, if the Commission on State Mandates determines that  
 18 this act contains other costs mandated by the state, reimbursement  
 19 to local agencies and school districts for those costs shall be made  
 20 pursuant to Part 7 (commencing with Section 17500) of Division  
 21 4 of Title 2 of the Government Code.

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 23  
 24     CORRECTIONS:                     \_\_\_\_\_

25     Text—Page 3.

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