

AMENDED IN ASSEMBLY JUNE 17, 2009

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 562**

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**Introduced by Senator Florez**

February 27, 2009

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An act to ~~amend~~ add Section ~~48001~~ of 18739 to the Food and Agricultural Code, relating to *animal* agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, as amended, Florez. ~~Citrus fruit crop: California Citrus Advisory Committee.~~ Human food product: nontherapeutic antibiotics.

*The Secretary of the Food and Agriculture has the responsibility of ensuring that food products are not adulterated and that they are capable of use as human food. The secretary is required to ensure that the food products are properly inspected and labeled. A violation of any of these provisions is a crime, punishable as specified.*

*This bill would provide, in addition, that commencing January 1, 2011, any person who uses antibiotics for a nontherapeutic use in any animal raised for the production of any human food product made available commercially shall be required to label the product with a warning, as specified. By creating a new crime, 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 no reimbursement is required by this act for a specified reason.*

~~Existing law provides that there is in the Department of Food and Agriculture the California Citrus Advisory Committee, comprised as specified. The committee is required to develop and make recommendations to the Secretary of Food and Agriculture on all matters regarding the implementation of certain provisions relating to citrus, including, among others, procedures for implementing an inspection program that is to include certain features.~~

~~This bill would specify that procedures for implementing a citrus inspection program shall also include development of a communications program to inform producers and handlers of the requirements of the inspection program.~~

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

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

1     SECTION 1. Section 18739 is added to the Food and  
2     Agricultural Code, to read:

3     18739. (a) Commencing January 1, 2011, any person who  
4     uses antibiotics for a nontherapeutic use in any animal raised for  
5     the production of any human food product made available  
6     commercially shall be required to label the product with the  
7     following warning, which shall be prominently displayed on the  
8     front of the product packaging and which shall appear in typeface  
9     of no less than 14-point font:

10  
11     WARNING: THIS PRODUCT CONTAINS NONTHERAPEUTIC  
12     ANTIBIOTICS

13  
14     (b) For purposes of this section, “antibiotic” means any drug  
15     intended for use in food-producing animals that is composed wholly  
16     or partly of either of the following:

17     (1) Any kind of penicillin, tetracycline, macrolide, lincosamide,  
18     streptogramin, minoglycoside, or sulfonamide.

19     (2) Any other drug or derivative of a drug that is used in humans  
20     or intended for use in humans to treat or prevent disease or  
21     infection caused by microorganisms.

22     (c) For purposes of this section, “nontherapeutic use,” with  
23     respect to antibiotics, means any use of the drug as a feed or water  
24     additive for an animal in the absence of any clinical sign of disease

1 *in the animal for growth promotion, feed efficiency, weight gain,*  
2 *routine disease prevention, or other routine purpose.*

3 *SEC. 2. No reimbursement is required by this act pursuant to*  
4 *Section 6 of Article XIII B of the California Constitution because*  
5 *the only costs that may be incurred by a local agency or school*  
6 *district will be incurred because this act creates a new crime or*  
7 *infraction, eliminates a crime or infraction, or changes the penalty*  
8 *for a crime or infraction, within the meaning of Section 17556 of*  
9 *the Government Code, or changes the definition of a crime within*  
10 *the meaning of Section 6 of Article XIII B of the California*  
11 *Constitution.*

12 ~~SECTION 1. Section 48001 of the Food and Agricultural Code~~  
13 ~~is amended to read:~~

14 ~~48001. (a) There is in the department the California Citrus~~  
15 ~~Advisory Committee.~~

16 ~~(b) The committee shall be comprised as follows:~~

17 ~~(1) Eight producers.~~

18 ~~(A) Five producer members shall be engaged in the production~~  
19 ~~of navel or Valencia oranges; four of which shall be engaged in~~  
20 ~~the production of navel or Valencia oranges in the San Joaquin~~  
21 ~~Valley, and two of the four members shall be engaged in the~~  
22 ~~production of navel or Valencia oranges in Tulare County.~~

23 ~~(B) Two producer members shall be engaged in the production~~  
24 ~~of lemons, one of which is engaged in the production of lemons~~  
25 ~~in Ventura County.~~

26 ~~(C) One of the members shall be engaged in the production of~~  
27 ~~mandarin citrus.~~

28 ~~(2) Four handlers, which have their principal place of business~~  
29 ~~located in one of the following counties: Fresno, Kern, Madera,~~  
30 ~~Orange, Riverside, San Bernardino, Santa Clara, Tulare, or~~  
31 ~~Ventura.~~

32 ~~(A) Two handler members shall be located in the San Joaquin~~  
33 ~~Valley.~~

34 ~~(B) One handler member shall be engaged in the handling of~~  
35 ~~lemons in Ventura County.~~

36 ~~(c) The committee shall be appointed by the secretary from~~  
37 ~~nominations submitted to the secretary by members of the navel~~  
38 ~~orange, Valencia orange, lemon, and mandarin citrus industries~~  
39 ~~group.~~

~~(d) Committee members may be compensated for reasonable expenses actually incurred in the performance of their duties, as determined by the committee and concurred in by the secretary.~~

~~(e) The committee shall meet at the request of the secretary, the committee chairperson, or upon the request of three committee members.~~

~~(f) The committee shall appoint a chairperson, one or more vice chairpersons, and any other officers it deems necessary.~~

~~(g) The committee shall develop and make recommendations to the secretary on all matters regarding the implementation of this chapter including:~~

~~(1) Procedures for implementing an inspection program that shall include, but not be limited to, the following:~~

~~(A) Mandatory hold for inspection prior to shipping, following a citrus freeze.~~

~~(B) The minimum number of inspections to be conducted, and the duration of each inspection period.~~

~~(C) The minimum number of samples to be taken.~~

~~(D) Statistical analysis of compliance levels and determination of an acceptable level of compliance.~~

~~(E) Documentation of inspection data including the number of inspectors, number of inspections performed, and budget information relating to expenses of personnel, mileage, and overhead costs.~~

~~(F) Monitoring and postevaluation of program effectiveness by the secretary.~~

~~(G) Development of a single memorandum of understanding between the department and all county agricultural commissioners for the counties specified in subdivision (b).~~

~~(H) Development of a communications program to inform producers and handlers of the requirements of the inspection program.~~

~~(2) Determinations as to which counties have met the inspection requirements.~~

~~(3) Procedures for implementing a state crop estimating and acreage survey.~~

~~(h) The secretary shall accept the recommendations of the committee if he or she determines that the recommendations are practicable and in the interest of the industry and the public. The secretary shall provide the committee within 30 days of receipt of~~

- 1 ~~the recommendations with a written statement of reasons if he or~~
- 2 ~~she does not accept any of the recommendations.~~

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