

AMENDED IN ASSEMBLY JUNE 27, 2012

AMENDED IN ASSEMBLY JUNE 11, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 9, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE APRIL 18, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1465

**Introduced by Senator Yee
(Coauthor: Senator Correa)**

(Coauthors: Assembly Members Ammiano, Blumenfield, Huffman,
and Wieckowski)

February 24, 2012

An act to amend Sections 111223, ~~114429~~, and 114429.5 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1465, as amended, Yee. Food safety: Asian rice-based noodles: Korean rice cakes.

Existing law, the Sherman Food, Drug, and Cosmetic Law, requires all manufacturers of Asian rice-based noodles to place labels on the Asian rice-based noodles that indicate the date and time of manufacture and include a warning that the Asian rice-based noodles are perishable and must be consumed within 4 hours of manufacture. Violation of these provisions is a misdemeanor.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities, as defined. The law requires the State Department of Public Health to adopt regulations to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. A violation of any of these provisions is punishable as a misdemeanor.

Existing law authorizes the sale of Asian rice-based noodles, as defined, that have been at room temperature for no more than 4 hours, and prohibits the sale of Asian rice-based noodles unless they have the above-described labeling.

This bill would revise the labeling ~~and sale~~ requirements to reflect that Asian rice-based noodles must be consumed within ~~24 hours~~ *one day* of manufacture. *This bill would exempt Asian rice-based noodles from the above-described time-temperature requirements if the Asian rice-based noodles contain a certain nonanimal-based ingredient and do not support the rapid and progressive growth of specified microorganisms.*

By imposing new duties upon local agencies and changing the definition of a crime, this bill would impose a state-mandated local program.

~~Existing law authorizes the sale of Korean rice cakes, as defined, that have been at room temperature for no more than 24 hours and requires the destruction of Korean rice cakes that have been at room temperature for no more than 24 hours.~~

~~This bill instead would require the destruction of Korean rice cakes that have been at room temperature for more than 24 hours.~~

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 111223 of the Health and Safety Code
2 is amended to read:

3 111223. (a) All manufacturers of Asian rice-based noodles
4 shall place a label on the packaging of Asian rice-based noodles
5 that indicates the date and time of manufacture and includes a
6 statement that the Asian rice-based noodles are perishable and
7 must be consumed within one day of manufacture.

8 (b) All manufacturers of Korean rice cakes shall place a label
9 issued by the Korean Rice Cake Association Corporation on the
10 Korean rice cake that indicates the date of manufacture. The Korean
11 rice-cakes *cake*'s label shall include a statement that the rice cake
12 must be consumed within one day of manufacture.

13 ~~SEC. 2. Section 114429 of the Health and Safety Code is~~
14 ~~amended to read:~~

15 ~~114429. (a) Notwithstanding Sections 113996 and 114343~~
16 ~~and if permitted by federal law, a food facility may sell Korean~~
17 ~~rice-cakes that have been at room temperature for no more than~~
18 ~~24 hours.~~

19 ~~(b) At the end of the operating day, Korean rice cakes that have~~
20 ~~been at room temperature for more than 24 hours shall be destroyed~~
21 ~~in a manner approved by the enforcement agency.~~

22 ~~(c) For purposes of this section, a "Korean rice cake" is defined~~
23 ~~as a confection that contains rice powder, salt, sugar, various edible~~
24 ~~seeds, oil, dried beans, nuts, dried fruits, and dried pumpkin. The~~
25 ~~ingredient shall not include any animal fats or any other products~~
26 ~~derived from animals.~~

27 ~~(d) All manufacturers of Korean rice cakes shall place a label~~
28 ~~on the Korean rice cake as prescribed by Section 111223.~~

29 ~~SEC. 3.~~

30 ~~SEC. 2. Section 114429.5 of the Health and Safety Code is~~
31 ~~amended to read:~~

32 114429.5. (a) Notwithstanding Sections 113996 and 114343,
33 and if permitted by federal law, a food facility may sell Asian
34 rice-based noodles that have been kept at room temperature for no
35 more than ~~24~~ *four* hours.

36 (b) *Asian rice-based noodles that have been kept at room*
37 *temperature shall be consumed, cooked, or destroyed in a manner*

1 *approved by the local enforcement agency within four hours of*
2 *manufacture.*

3 ~~(b)~~

4 (c) At the end of the operating day, Asian rice-based noodles
5 that have been kept at room temperature for more than ~~24~~ *four*
6 hours shall be destroyed in a manner approved by the local
7 enforcement agency.

8 ~~(e)~~

9 (d) (1) For purposes of this section, an “Asian rice-based
10 noodle” ~~is defined as~~ *means* a confection that contains rice powder,
11 water, wheat starch, and vegetable cooking oil. The ingredients
12 shall not include any animal fats or any other products derived
13 from animals. An Asian rice-based noodle is prepared by using a
14 traditional method that includes cooking by steaming at not less
15 than 130 degrees Fahrenheit, for not less than four minutes.

16 (2) *If the Asian rice-based noodles contain a nonanimal-based*
17 *ingredient, including, but not limited to, sodium acid sulfite, to*
18 *maintain the Asian rice-based noodles at a ph of 4.6 or below at*
19 *a temperature of 76 degrees Fahrenheit and the Asian rice-based*
20 *noodles do not support the rapid and progressive growth of*
21 *infectious or toxigenic microorganisms, subdivisions (a) to (c),*
22 *inclusive, shall not apply to the Asian rice-based noodles.*

23 ~~(d)~~

24 (e) All manufacturers of Asian rice-based noodles shall place
25 a label on the Asian rice-based noodle as prescribed by Section
26 111223.

27 ~~SEC. 4.~~

28 SEC. 3. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution for certain
30 costs that may be incurred by a local agency or school district
31 because, in that regard, this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty for a crime
33 or infraction, within the meaning of Section 17556 of the
34 Government Code, or changes the definition of a crime within the
35 meaning of Section 6 of Article XIII B of the California
36 Constitution.

37 However, if the Commission on State Mandates determines that
38 this act contains ~~other~~ costs mandated by the state, reimbursement
39 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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