

**Introduced by Committee on Health and Human Services
(Senators Escutia (Chair), Figueroa, Haynes, Hughes,
Morrow, Mountjoy, Polanco, Solis, and Vasconcellos)**

March 2, 2000

An act to amend Section 109935 of, and to add Sections 109951 and 109971 to, the Health and Safety Code, relating to environmental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 2182, as introduced, Committee on Health and Human Services. Environmental health: food.

Existing law, the Sherman Food, Drug, and Cosmetic Law, contains various provisions regarding the packaging, labeling, and advertising of food, drugs, and cosmetics. Violation of any of these provisions is a crime.

Existing law defines "food" for purposes of these provisions.

This bill would expand the definition of food to include any article defined as food pursuant to the Federal Food, Drug, and Cosmetic Act. It would also define "infant formula" and 'medical food' for purposes of the above state law provisions. By expanding the definition of a 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.

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 109935 of the Health and Safety
2 Code is amended to read:
3 109935. “Food” means any of the following:
4 (a) Any article used or intended for use for food, drink,
5 confection, condiment, or chewing gum by man or other
6 animal.
7 (b) Any article used or intended for use as a
8 component of any article designated in subdivision (a).
9 (c) Any article defined as food pursuant to the Federal
10 Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 and
11 following).
12 SEC. 2. Section 109951 is added to the Health and
13 Safety Code, to read:
14 109951. “Infant formula” shall have the same
15 definition as that term is used in the Federal Food, Drug,
16 and Cosmetic Act (21 U.S.C. Sec. 321(z)).
17 SEC. 3. Section 109971 is added to the Health and
18 Safety Code, to read:
19 109971. “Medical food” means either of the following:
20 (a) Any product that meets the definition of medical
21 food in the Federal Food, Drug, and Cosmetic Act (21
22 U.S.C. Sec. 360ee(b)(3)).
23 (b) Any product that is a specially formulated and
24 processed product, and is not a naturally occurring
25 foodstuff used in its natural state, for the partial or
26 exclusive feeding of a patient.
27 SEC. 4. No reimbursement is required by this act
28 pursuant to Section 6 of Article XIII B of the California
29 Constitution because the only costs that may be incurred
30 by a local agency or school district will be incurred
31 because this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section
34 17556 of the Government Code, or changes the definition



1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

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