

**Senate Bill No. 2182**

CHAPTER 870

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

[Approved by Governor September 28, 2000. Filed with Secretary of State September 29, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2182, 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.

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

SECTION 1. Section 109935 of the Health and Safety Code is amended to read:

109935. "Food" means any of the following:

- (a) Any article used or intended for use for food, drink, confection, condiment, or chewing gum by man or other animal.
- (b) Any article used or intended for use as a component of any article designated in subdivision (a).
- (c) Any article defined as food pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).

SEC. 2. Section 109951 is added to the Health and Safety Code, to read:



109951. “Infant formula” shall have the same definition as that term is used in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 321(z)).

SEC. 3. Section 109971 is added to the Health and Safety Code, to read:

109971. “Medical food” means any product that meets the definition of medical food in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360ee(b)(3)).

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

