

Assembly Bill No. 954

CHAPTER 787

An act to add Division 25 (commencing with Section 82000) to the Food and Agricultural Code, relating to food labeling, and making an appropriation therefor.

[Approved by Governor October 14, 2017. Filed with Secretary of State October 14, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 954, Chiu. Food labeling: quality and safety dates.

Existing law provides that all food labeling regulations and any amendments to those regulations adopted pursuant to the federal Food, Drug, and Cosmetic Act shall be the food labeling regulations of this state, and authorizes the State Department of Public Health to adopt additional food labeling regulations.

This bill would require the Department of Food and Agriculture, in consultation with the State Department of Public Health, on or before July 1, 2018, to publish information to encourage food manufacturers, processors, and retailers responsible for the labeling of food products to voluntarily use uniform terms on food product labels to communicate quality dates and safety dates, and would require the department to promote the consistent use of those terms. The bill would also require the department to encourage food distributors and retailers to develop alternatives to consumer-facing "sell by" dates. The bill would establish the Consumer Education Account in the Department of Food and Agriculture Fund for the deposit of nonstate funds from public and private sources. The bill would continuously appropriate the funds in the account to the department to educate consumers about the meaning of quality dates and safety dates.

DIGEST KEY

Vote: MAJORITY Appropriation: YES Fiscal Committee: YES Local Program: NO

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

The Legislature finds and declares all of the following:

- (a) Food is the single most prevalent item in California's waste stream, with over 5.5 million tons of food dumped in landfills every year in the state.
- (b) Four percent of the total energy budget, about 12 percent of the land, and 23 percent of all freshwater consumed in the United States is used to grow food that goes uneaten.
- (c) Discarded food is a drain on our economy, costing consumers and industry \$162 billion each year nationally.

(d) Reducing food losses by just 15 percent would save the equivalent of enough food to feed more than 25 million Americans every year. According to estimates, more than six million Californians, including one in four children, suffer from food insecurity.

(e) Sending uneaten food and other organic waste into landfills releases more than 8.3 million tons of greenhouse gases each year in California, contributing 20 percent of the state's methane emissions.

(f) Misinterpretation of the date labels on foods is a key factor leading to food waste in American households, and surveys show that 56 to 90 percent of consumers discard some food prematurely as a result of misinterpreting food date labels.

(g) It is the public policy of this state that consumers benefit from uniform and accurate expiration date labeling.

SEC. 2.

Division 25 (commencing with Section 82000) is added to the Food and Agricultural Code, to read:

DIVISION 25. Food Labeling

82000.

For purposes of this division, the following definitions apply:

(a) "Quality date" means a date on a label affixed to the packaging or a container of food that communicates to consumers the date after which the food quality may begin to deteriorate but the food may still be acceptable for consumption.

(b) "Safety date" means a date on a label affixed to the packaging or container of food that communicates to consumers that the food should be consumed or frozen, if appropriate, by the date listed on the package that applies to perishable products with potential safety implications over time.

(c) "'Sell by' date" means a date on a label affixed to the packaging or container of food that is intended to communicate primarily to a distributor or retailer for purposes of stock rotation and that is not a quality date or a safety date.

82001.

(a) The Department of Food and Agriculture, in consultation with the State Department of Public Health, shall, on or before July 1, 2018, publish information to encourage food manufacturers, processors, and retailers responsible for the labeling of food products to voluntarily use the following uniform terms on food product labels to communicate quality dates and safety dates:

(1) "BEST if Used by" or "BEST if Used or Frozen by" to indicate the quality date of a product.

(2) "USE by" or "USE by or Freeze by" to indicate the safety date of a product.

(b) The department shall promote the consistent use of the terms specified pursuant to subdivision (a) in the course of its existing interactions with food manufacturers, processors, and retailers.

(c) In the process of implementing subdivision (a), the department shall encourage food distributors and retailers to develop alternatives to consumer-facing "sell by" dates.

(d) (1) The department may accept nonstate funds from public and private sources to educate consumers about the meaning of the quality dates and safety dates specified in this section.

(2) Funds accepted by the department pursuant to paragraph (1) shall be deposited in the Consumer Education Account, which is hereby created in the Department of Food and Agriculture Fund.

(3) Notwithstanding Section 13340 of the Government Code, all funds in the Consumer Education Account are hereby continuously appropriated to the department without regard to fiscal years to carry out the purpose provided in paragraph (1).