AMENDED IN SENATE JULY 3, 2023

AMENDED IN SENATE MAY 26, 2023

AMENDED IN ASSEMBLY APRIL 13, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL No. 418

Introduced by Assembly Members Gabriel and Wicks
(Coauthors: Assembly Members McCarty and Weber)

February 2, 2023

An act to add Chapter 17 (commencing with Section 109025) to Part 3 of Division 104 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 418, as amended, Gabriel. Food product safety.

Existing law provides for the regulation of the safety of food products, including adulterated and misbranded food, wholesale food, and food in retail food facilities.

This bill, commencing January 1, ~~2025,~~ *2027,* would prohibit a person or entity from manufacturing, selling, delivering, distributing, holding, or offering for sale, in commerce a food product for human consumption that contains any specified substance, including, among others, brominated vegetable oil and red dye 3. The bill would make a violation of these provisions punishable by a civil penalty not to exceed $5,000 for a first violation and not to exceed $10,000 for each subsequent violation, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney.

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

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

SECTION 1. Chapter 17 (commencing with Section 109025) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

Chapter 17. Food Safety

109025. (a) Commencing January 1, ~~2025,~~ *2027*, a person or entity shall not manufacture, sell, deliver, distribute, hold, or offer for sale, in commerce a food product for human consumption that contains any of the following substances:

(1) Brominated vegetable oil (CAS no. 8016-94-2).

(2) Potassium bromate (CAS no. 7758-01-2).

(3) Propylparaben (CAS no. 94-13-3).

(4) Red dye 3 (CAS no. 16423-68-0).

(5) Titanium dioxide (CAS no. 13463-67-7).

(b) (1) Upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, a person or entity that violates subdivision (a) shall be liable for a civil penalty not to exceed five thousand dollars ($5,000) for a first violation, and not to exceed ten thousand dollars ($10,000) for each subsequent violation.

(2) This section does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this section are cumulative with any other remedies available under any other law.

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