

Introduced by Senator Bradford

February 18, 2022

An act to add Article 5.5 (commencing with Section 113113) to Chapter 10 of Part 6 of Division 104 of the Health and Safety Code, relating to pet food.

LEGISLATIVE COUNSEL'S DIGEST

SB 1462, as introduced, Bradford. Processed pet food: designation as human food grade.

Existing law requires each person who manufactures a processed pet food, as defined, to first obtain a license from the State Department of Public Health. Existing law prohibits the misbranding of processed pet food. Under existing law, a violation of these provisions, and other provisions related to processed pet food, is a crime.

This bill would authorize a person who manufactures a processed pet food to apply to the department for designation of a processed pet food as human food grade, as specified. The bill would require the department to create a symbol, label, or wording that an applicant may, but is not required to, use for a processed pet food designated as human food grade. The bill would authorize a processed pet food designated as human food grade to be labeled, advertised, and represented as human food grade if it also clearly indicates that it is intended for consumption by pets, as specified.

Because a violation of this bill's provisions would be a crime, the 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. Article 5.5 (commencing with Section 113113)
2 is added to Chapter 10 of Part 6 of Division 104 of the Health and
3 Safety Code, to read:

4
5 Article 5.5. Labeling
6

7 113113. (a) (1) A person who in California manufactures a
8 processed pet food may apply to the department for designation,
9 including a renewal of a designation, of a processed pet food as
10 human food grade. An application for the designation shall be
11 made on a form prescribed by the department and shall be
12 accompanied by an application fee of one hundred dollars (\$100).

13 (2) The department shall approve the application and grant the
14 designation if all of the following requirements are met:

15 (A) The applicant, to the satisfaction of the department,
16 demonstrates that the processed pet food is produced in a facility
17 that abides by applicable United States Department of Agriculture
18 criteria and inspection rules and are listed on the United States
19 Department of Agriculture's Meat, Poultry and Egg Product
20 Inspection Directory.

21 (B) The applicant, to the satisfaction of the department,
22 demonstrates that each ingredient in the processed pet food, and
23 the resulting product, is stored, handled, processed, and transported
24 under current good manufacturing practices specified in Subpart
25 B (commencing with Section 117.10) of Part 117 of Title 21 of
26 the Code of Federal Regulations.

27 (C) The application, to the satisfaction of the department,
28 includes a continuing letter of guarantee and warranty from each
29 supplier of each ingredient that the ingredient, to the extent it is
30 under the control of the supplier, conforms with subparagraphs
31 (A) and (B) of this paragraph and is suitable for human
32 consumption.

1 (D) The application, to the satisfaction of the department,
2 includes a list of every ingredient in the processed pet food.

3 (3) A designation granted pursuant to this subdivision shall be
4 valid for two years from the date of issuance or from the date of
5 renewal.

6 (b) The department may suspend or revoke the designation,
7 after written notice to the applicant and an opportunity to be heard,
8 when either of the following conditions is satisfied:

9 (1) A statement included in the application process was false
10 or misleading.

11 (2) The applicant fails to comply with any requirement for the
12 designation or applicable regulations.

13 (c) A designation of a processed pet food as “human food grade”
14 pursuant to this section means that the processed pet food is
15 suitable for human consumption, but is intended for consumption
16 by pets.

17 (d) The department shall create a symbol, label, or wording that
18 an applicant may, but is not required to, use for a processed pet
19 food designated pursuant to this section.

20 (e) (1) A processed pet food designated pursuant to this section
21 may be labeled, advertised, and represented as human food grade,
22 or use words, symbols, or images of that meaning.

23 (2) Any label, advertisement, or representation implying that a
24 processed pet food is human food grade shall include words,
25 symbols, or images, of at least equal size as those implying that it
26 is human food grade, clearly indicating that it is intended for
27 consumption by pets or particular categories of pets.

28 (3) A person shall not label, advertise, or represent any product
29 as being a processed pet food of human food grade, or words of
30 that meaning, or using any image conveying that meaning, unless
31 the product is designated pursuant to this section.

32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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