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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406]** ( *Division 104 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**PART 5. SHERMAN FOOD, DRUG, AND COSMETIC LAWS [109875 - 111929.4]** ( *Part 5 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**CHAPTER 3.5. Expiration Dates [110286- 110286.]** ( *Chapter 3.5 added by Stats. 2011, Ch. 681, Sec. 1.*  )

**110286.** (a) A retailer shall not sell or offer for sale after the expiration date an over-the-counter drug.

(b) Notwithstanding Section 111825, any retailer who violates this section is guilty of an infraction, punishable by a fine of not more than ten dollars (\$10) per day for each item sold or offered for sale after the expiration date. The fine shall be calculated based upon the number of days past the expiration date that the product is either found being offered for sale, or if the product is sold, the date of sale as established by evidence of proof of purchase, including, but not limited to, a sales receipt.

(c) The department may assess administrative penalties on a retailer who violates this section in the amount of ten dollars (\$10) per day for each item sold or offered for sale, in addition to other penalties authorized by law.

(d) For purposes of this section, "over-the-counter drug" means a nonprescription drug regulated by the federal Food and Drug Administration that is required to have an expiration date on its packaging pursuant to the federal act and federal regulations adopted pursuant to the federal act, including, but not limited to, Section 211.137 of Title 21 of the Code of Federal Regulations.

(*Added by Stats. 2011, Ch. 681, Sec. 1. (AB 688) Effective January 1, 2012.*)