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**AB-384 Food safety.** (2015-2016)

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**Assembly Bill No. 384**

**CHAPTER 477**

An act to amend Section 110485 of the Health and Safety Code, relating to food safety.

[ Approved by Governor October 04, 2015. Filed with Secretary of State October 04, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 384, Perea. Food safety.

Existing law, the Sherman Food, Drug, and Cosmetic Law, prohibits the manufacture, packing, or holding of processed food unless in a food processing facility duly registered with the State Department of Public Health, upon payment of an annual registration fee. The law requires, until January 1, 2016, and in addition to the annual registration fee, every person engaged in the manufacture, packing, or holding of processed food, with specified exceptions, to pay a \$100 food safety fee to be used by the department, upon appropriation, to assist in developing and implementing education and training programs related to food safety. The violation of these provisions is a crime.

This bill would delete the January 1, 2016, repeal date for the food safety fee, thus extending its duration indefinitely. By changing the definition of an existing 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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** Section 110485 of the Health and Safety Code is amended to read:

**110485.** (a) Every person who is engaged in the manufacture, packing, or holding of processed food in this state shall pay a food safety fee of one hundred dollars (\$100) to the department in addition to any fees paid pursuant to Section 110470.

(b) Revenue received pursuant to this section shall be deposited in the Food Safety Fund created pursuant to Section 110050. A penalty of 10 percent per month shall be added to any food safety fee not paid when due.

(c) Upon appropriation, the food safety fees deposited in the Food Safety Fund shall be used by the department to assist in developing and implementing education and training programs related to food safety. These programs shall be developed in consultation with representatives of the food processing industry. Implementation shall include education and training in the prevention of microbial contamination.

(d) This section does not apply to companies exclusively involved in flour milling, dried bean processing, or in the drying or milling of rice, or to those individual registrants the director determines should not be assessed because substantial economic hardship would result to those registrants. For the purposes of this subdivision, the substantial hardship exemption shall be extended only to registrants whose wholesale gross annual income from the registered business is twenty thousand dollars (\$20,000) or less.

**SEC. 2.** 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.