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AB-746 Sherman Food, Drug, and Cosmetic Law: beer manufacturer licensees: exemption. (2019-2020)

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Assembly Bill No. 746

CHAPTER 277

An act to amend Section 110480 of the Health and Safety Code, relating to beer manufacturers.

[Approved by Governor September 09, 2019. Filed with Secretary of State September 09, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 746, Wood. Sherman Food, Drug, and Cosmetic Law: beer manufacturer licensees: exemption.

The existing Sherman Food, Drug, and Cosmetic Law (the law) generally prohibits a person from manufacturing, packing, or holding processed food in this state unless the person has a valid registration from the State Department of Public Health. Existing law makes a person who violates this requirement subject to imprisonment for not more than one year in a county jail, a fine of not more than \$1,000, or both the imprisonment and fine. Existing law exempts from the registration requirement a person whose manufacturing, packing, or holding of processed food is limited solely to activities authorized by, among other things, a valid winegrower's license or wine blender's license. Existing law also makes beer, which is subject to the Alcoholic Beverage Control Act, subject only to the requirements of the law that relate to adulteration and misbranding.

This bill would exempt the holder of a valid beer manufacturer's license from the registration requirements of the law.

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

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

SECTION 1. Section 110480 of the Health and Safety Code is amended to read:

110480. (a) The registration requirements of this article do not apply to a person whose manufacturing, packing, or holding of processed food is limited solely to temporarily holding processed foods for up to seven days for further transport if the foods are not potentially hazardous foods, as defined in Section 110005, or to a person whose manufacturing, packing, or holding of processed food is limited solely to activities authorized by any of the following:

(1) A valid bottled water or water vending machine license issued pursuant to Article 12 (commencing with Section 111070).

(2) A valid pet food license issued pursuant to Chapter 10 (commencing with Section 113025) of Part 6.

(3) A valid permit issued pursuant to Chapter 4 (commencing with Section 113700) of Part 7 to a food facility including a food facility that manufactures, packs, or holds processed food for sale at wholesale, provided the food facility that manufactures, packs, or holds processed food for sale at wholesale does not meet any of the following conditions:

(A) Has gross annual wholesale sales of processed foods of more than 25 percent of total food sales.

(B) Sells processed foods outside the jurisdiction of the local health department.

(C) Sells processed foods that require labeling pursuant to this part.

(D) Processes or handles fresh seafood, frozen seafood held in bulk for further processing, or fresh or frozen raw shellfish.

(E) Salvages processed foods for sale other than at the retail food facility.

(4) A valid cold storage license issued pursuant to Chapter 6 (commencing with Section 112350) of Part 6.

(5) A valid cannery license issued pursuant to Chapter 8 (commencing with Section 112650) of Part 6.

(6) A valid shellfish certificate issued pursuant to Chapter 5 (commencing with Section 112150) of Part 6.

(7) A valid frozen food locker plant license issued pursuant to Chapter 7 (commencing with Section 112500) of Part 6.

(8) A valid beer manufacturer's license, winegrower's license, or wine blender's license pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code.

(9) A valid milk products plant, margarine, imitation ice cream, imitation ice milk, or a products resembling milk products plant license, issued pursuant to Division 15 (commencing with Section 32501) of the Food and Agricultural Code.

(10) A valid permit issued by a local health department to operate a processing establishment, as defined in Section 111955, that only holds or warehouses processed food, pursuant to Article 1 (commencing with Section 111950) of Chapter 4 of Part 6, provided that all of the following conditions are met:

(A) The warehouse does not manufacture or pack processed food.

(B) The warehouse does not hold fresh seafood, frozen seafood held in bulk for further processing, or fresh or frozen raw shellfish.

(C) The warehouse is not operated as an integral part of a food processing facility required to be registered pursuant to Section 110460.

(D) The warehouse facilities are located entirely within the area under the jurisdiction of the local health department.

(E) The warehouse does not salvage food as the primary business.

(b) An entity that provides food services other than the manufacturing, packing, or holding of processed food is subject to applicable provisions of the California Retail Food Code, as set forth in Part 7 (commencing with Section 113700).

(c) This section does not limit the authority of the Counties of Los Angeles, San Bernardino, and Orange, or of the City of Vernon, to conduct any inspections otherwise authorized by Chapter 4 (commencing with Section 111950) of Part 6.