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AB-2721 Food and agriculture: omnibus bill. (2023-2024)

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Assembly Bill No. 2721

CHAPTER 215

An act to amend Sections 19227, 19315, 42653, and 58231 of, and to add Section 58231.1 to, the Food and Agricultural Code, relating to food and agriculture, and making an appropriation therefor.

[Approved by Governor September 06, 2024. Filed with Secretary of State September 06, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2721, Committee on Agriculture. Food and agriculture: omnibus bill.

(1) Existing law establishes fruit, nut, and vegetable standards and requires the Secretary of Food and Agriculture and county agricultural commissioners to enforce those provisions. Existing law authorizes the secretary and other specified agents of the Department of Food and Agriculture to enforce and make inspections of grade, standards of quality, and other provisions of any raw unprocessed fruit, nut, or vegetable marketing, food safety, or enforcement program adopted under state or federal authority.

Existing law prohibits the disclosure of proprietary information obtained for the purpose of, or pursuant to, the produce safety program, as defined, data collected during inspections or investigations conducted under the produce safety rule, as defined, and sales data and noncompliance observations obtained during a produce safety program inspection, except when required by a court order, as specified. Existing law also prohibits making public any information that is contained in individual reports of produce safety program inspections, except as specified, and authorizes that information to be made available pursuant to a court order, as specified.

This bill would authorize any information, data, or observations, including, but not limited to, proprietary information, obtained pursuant to the produce safety program to be shared with any local, state, or federal authority for the purpose of evaluating, inspecting, or investigating an imminent or potential food safety hazard or risk in order to protect public health and safety.

(2) Existing law regulates rendering, which is defined as the recycling, processing, and conversion of, among other things, inedible kitchen grease, as provided. Existing law requires renderers and collection centers to be licensed and to annually pay a license fee of \$100. Existing law authorizes the Department of Food and Agriculture, until July 1, 2025, to charge each licensed renderer and collection center an additional fee, up to \$10,000 per year for each licensed rendering plant or collection center, to cover the reasonable costs of administering certain provisions regulating renderers, collection centers, and transporters of inedible kitchen grease. Existing law requires fees and penalties collected pursuant to these provisions to be deposited into the Department of Food and Agriculture Fund and continuously appropriates the collected funds for the purposes described above.

This bill would extend the department's authorization to charge that additional fee until July 1, 2030. By extending the operation of provisions authorizing the collection of fees and penalties that are deposited into a continuously appropriated fund, this bill would make an appropriation.

(3) Under existing law, it is unlawful for any person or entity to engage in the transportation of inedible kitchen grease without being registered with the Department of Food and Agriculture. Existing law defines "inedible kitchen grease" for that purpose as any fat or used cooking greases and oils obtained from any source. Existing law requires that registration to include, among other requirements, a registration fee not to exceed \$250. Existing law authorizes the department, until July 1, 2025, to charge additional fees to cover the costs of administering these provisions, up to \$500 per year for each vehicle that is operated to transport kitchen grease and up to \$10,000 per year for each registered transporter, except as provided. Existing law requires fees and penalties collected pursuant to these provisions to be deposited into the Department of Food and Agriculture Fund and continuously appropriates those moneys for the purposes described above.

This bill would extend the department's authorization to charge that additional fee until July 1, 2030. By extending the department's authority to charge that additional fee, the revenues from which are deposited into a continuously appropriated fund, the bill would make an appropriation.

(4) Existing law authorizes the secretary to enter into certain cooperative agreements to develop projects or programs that are designed to improve, expand, and correlate work related to, among other things, federal-state cooperative market news services.

This bill would, if a cooperative agreement related to federal-state cooperative market news services is not in effect in the state, authorize the secretary to define grape-pricing districts in the state.

(5) Under existing law, any person who is found guilty of violating the above-described provisions involving renderers, collection centers, or transporters of inedible kitchen grease, or rules and regulations promulgated pursuant to those provisions, is subject to imprisonment or a fine, as specified.

By extending the dates described above and therefore expanding the period over which these crimes may occur, 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: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 19227 of the Food and Agricultural Code is amended to read:

19227. (a) In addition to the license fee required pursuant to Section 19225, the department may charge each licensed renderer and collection center an additional fee necessary to cover the reasonable costs of administering Article 6 (commencing with Section 19300) and Article 6.5 (commencing with Section 19310). The additional fees authorized to be imposed by this section shall not exceed ten thousand dollars (\$10,000) per year per each licensed rendering plant or collection center.

(b) The secretary may, based upon the findings and recommendation of the Rendering Industry Advisory Board, determine the additional fee amounts necessary to provide the revenue needed to carry out the provisions of this chapter specified in subdivision (a). The secretary and the Rendering Industry Advisory Board shall not exceed the maximum amount for additional fees authorized pursuant to subdivision (a). Setting the additional fee or fees shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The secretary shall only have the authority to raise an additional fee pursuant to this section upon recommendation of the Rendering Industry Advisory Board.

(c) The secretary shall fix the additional fee amounts established pursuant to this section and may fix different fees for renderers and collection centers. If an additional fee is imposed on licensed renderers pursuant to subdivision (a) and an additional fee is imposed on registered transporters pursuant to subdivision (a) of Section 19315, only one additional fee may be imposed on a person or firm that is both licensed as a renderer pursuant to Article 6 (commencing with Section 19300) and registered as a transporter of inedible kitchen grease pursuant to Article 6.5 (commencing with Section 19310), which fee shall be the higher of the two fees.

(d) If the additional fee established pursuant to this section is not paid within one calendar month of the date it is due, a penalty shall be imposed in the amount of 10 percent per annum on the amount of the unpaid fee.

(e) This section shall become inoperative on July 1, 2030, and, as of January 1, 2031, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2031, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 19315 of the Food and Agricultural Code is amended to read:

19315. (a) Except as provided in subdivision (c), in addition to the registration fee required by Section 19312, the department may charge a fee necessary to cover the costs of administering this article. Any additional fee charged pursuant to this section shall not exceed five hundred dollars (\$500) per year per vehicle that is operated to transport kitchen grease, and shall not exceed ten thousand dollars (\$10,000) per year per registered transporter.

(b) The secretary may, based upon the findings and recommendation of the Rendering Industry Advisory Board, determine the specific fee per vehicle necessary to provide the revenue needed to carry out the provisions of this article. The secretary and the Rendering Industry Advisory Board shall not exceed the maximum fee amounts established by this section. Setting the fee amounts authorized pursuant to subdivision (a) shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The secretary shall only have the authority to raise an additional fee pursuant to this section upon recommendation of the Rendering Industry Advisory Board.

(c) An individual registered pursuant to this article who transports inedible kitchen grease for the individual's own personal, noncommercial use as an alternative fuel is exempt from 75 percent of the fee charged pursuant to subdivision (a), and shall meet all of the following requirements:

(1) The individual shall meet all other requirements of this article.

(2) The individual shall not transport more than 55 gallons of inedible kitchen grease per load for that purpose, and shall have no more than 165 gallons of inedible kitchen grease in the individual's possession or control at any time.

(3) The individual shall not take any inedible kitchen grease from a container owned by another registered transporter of inedible kitchen grease or from an inedible kitchen grease provider under contract with a registered transporter of inedible kitchen grease or from a container owned by a renderer or collection center.

(4) The individual shall have a document in the individual's possession while transporting inedible kitchen grease signed by the responsible party providing the inedible kitchen grease to the individual at the source of the inedible kitchen grease that provides permission for the inedible kitchen grease to be removed from that site.

(5) The individual shall specify where the inedible kitchen grease is stored and processed as an alternative fuel, if that address is different from the address included on the registration form for that individual pursuant to Section 19312.

(6) The individual shall not sell, barter, or trade any inedible kitchen grease.

(d) The secretary shall fix the additional fees established pursuant to this section and may fix different fees for transporters of inedible kitchen grease and collection centers, and for transporters of interceptor grease. If an additional fee is imposed on licensed renderers pursuant to subdivision (a) of Section 19227 and an additional fee is imposed on registered transporters pursuant to subdivision (a) of this section, only one additional fee may be imposed on a person or firm that is both licensed as a renderer pursuant to Article 6 (commencing with Section 19300) and registered as a transporter of inedible kitchen grease pursuant to this article, which fee shall be the higher of the two fees.

(e) If the additional fee established pursuant to this section is not paid within one calendar month of the date it is due, a penalty shall be imposed in the amount of 10 percent per annum on the amount of the unpaid fee.

(f) For purposes of this section, "interceptor grease" means inedible kitchen grease that is principally derived from food preparation, processing, or waste, and that is removed from a grease trap or grease interceptor.

(g) This section shall become inoperative on July 1, 2030, and, as of January 1, 2031, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2031, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 42653 of the Food and Agricultural Code is amended to read:

42653. (a) The secretary, through the chief of the branch of the department that has jurisdiction over the enforcement of this division, or any deputy, inspector, or agent of the department, may enforce and make inspections of grade, standard of quality, and other provisions of any raw unprocessed fruit, nut, or vegetable marketing, food safety, or enforcement program that is adopted under the authority of the United States or of this state.

(b) (1) All proprietary information obtained for the purposes of the produce safety program, regardless of the source of that information, is confidential and shall not be disclosed except when required by court order in a judicial proceeding or as provided in subdivision (c).

(2) The information that is contained in individual reports of produce safety program inspections shall not be made public by the secretary in that form, but the information that is contained in those reports may be prepared in combined form for use by the secretary, the agents of the secretary, or other interested persons in the formulation, administration, and enforcement of the

produce safety rule, or may be made available pursuant to court order or as provided in subdivision (c). The information shall not be made available to anyone for private purposes.

(3) All proprietary information obtained pursuant to the produce safety program by the secretary from any source, including, but not limited to, the names and addresses of farmers, growers, producers, handlers, or cooler operators, and data collected during inspections or investigations conducted under the produce safety rule, shall be confidential and shall not be disclosed except when required by court order in a judicial proceeding or as provided in subdivision (c). In addition, sales data and noncompliance observations obtained during a produce safety program inspection shall not be disclosed except when required by court order in a judicial proceeding or as provided in subdivision (c).

(4) Information on crops or any other related information that is required for reports and inventory information, and any other information that gives only totals, but excludes individual information, may be disclosed.

(c) Any information, data, or observations, including, but not limited to, proprietary information, obtained pursuant to the produce safety program may be shared with any local, state, or federal authority for the purpose of evaluating, inspecting, or investigating an imminent or potential food safety hazard or risk in order to protect public health and safety.

(d) For purposes of this section, the following definitions apply:

(1) "Produce safety program" means the unit operating in the department's inspection services division responsible for implementing the produce safety rule.

(2) "Produce safety rule" means Part 112 (commencing with Section 112.1) of Subchapter B of Chapter I of Title 21 of the Code of Federal Regulations.

SEC. 4. Section 58231 of the Food and Agricultural Code is amended to read:

58231. The secretary may enter into cooperative agreements with the Secretary of Agriculture of the United States Department of Agriculture or the Administrator, Agricultural Marketing Act of 1946 (7 U.S.C. Sec. 1621 et seq.), or both, to develop projects or programs that are designed to improve, expand, and correlate the work of both agencies in any of the following:

- (a) Federal-state cooperative crop reporting.
- (b) Federal-state cooperative market news services.
- (c) Seed and crop improvement.
- (d) Agricultural products certification.
- (e) Marketing orders and programs.
- (f) Milk and milk products stabilization.
- (g) Market enforcement.
- (h) Agricultural trade.
- (i) Agricultural commodities, grades, and standards.
- (j) Prepackaging of, and special containers for, shipment of any farm product.

SEC. 5. Section 58231.1 is added to the Food and Agricultural Code, to read:

58231.1. If a cooperative agreement related to federal-state cooperative market news services, as described in subdivision (b) of Section 58321, is not in effect in the state, the secretary may define grape-pricing districts in the state.

SEC. 6. 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.