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## SENATE COMMITTEE ON HEALTH

Senator Caroline Menjivar, Chair

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**BILL NO:** AB 1264  
**AUTHOR:** Gabriel  
**VERSION:** September 4, 2025  
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### PURSUANT TO SENATE RULE 29.10

**SUBJECT:** Pupil nutrition: restricted school foods and ultraprocessed foods of concern: prohibition

**SUMMARY:** Enacts the Real Food, Healthy Kids Act to reduce the consumption of ultraprocessed foods (UPFs) by California children by: defining UPFs intended to be sold or served in schools; establishing a regulatory process for the California Department of Public Health to determine which UPFs are of concern by June 1, 2028; and, requiring these UPFs of concern to be phased out of schools until they are prohibited from being offered to schools by vendors as of July 1, 2032, and prohibited from being served or sold in schools by July 1, 2035.

### Existing law:

- 1) Enacts the Sherman Food, Drug and Cosmetic Law, enforced by the California Department of Public Health (CDPH), which provides broad authority for CDPH to enforce food safety requirements, including that food is not adulterated, misbranded, or falsely advertised. Food labeling requirements generally adopt federal food labeling laws as the state requirement, including nutrition labeling and allergen labeling. Permits CDPH to adopt additional food labeling regulations. [HSC §109875, et seq. and §110380]
- 2) Enacts the California Food Safety Act to prohibit, commencing January 1, 2027, the manufacture or sale of a food product that contains any of the following substances:
  - a) Brominated vegetable oil;
  - b) Potassium bromate;
  - c) Propylparaben; and,
  - d) Red dye 3. [HSC §109025]
- 3) Requires a school district, county superintendent of schools, or charter school that maintains kindergarten or any of grades 1 to 12, to make available a nutritionally adequate breakfast and a nutritionally adequate lunch free of charge, during each school day, to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free breakfast meal and one free lunch meal. Requires the meals made available under this requirement to be nutritionally adequate meals that qualify for federal reimbursement. Requires the state to provide reimbursement to schools for this meal requirement, as specified. [EDC §49501.5]
- 4) Restricts the types of competitive foods that can be sold to pupils at each elementary, middle, and high school, until 30 minutes after the end of the school day, to fruit, vegetables, dairy, protein, or whole grain rich food items; foods with a fruit, vegetable, dairy, protein, or whole grain item as its first ingredient; or combination foods containing at least one-quarter cup

fruit or vegetable that meets certain standards, including specific limitations on fat, saturated fat, sugar, sodium, and calories. [EDC §49431 and §49431.2]

- 5) Requires, at each middle school or high school, a competitive entrée sold by the district food service department the day, or the day after, it is served on the federal National School Lunch Program or federal School Breakfast Program menu to meet specified standards limiting the fat, saturated fat, sugar, sodium, and calories. [EDC §49431.2(b)]
- 6) Restricts the type of competitive beverages that may be sold to pupils at elementary or middle schools to fruit-based drinks with at least 50% fruit juice and no added sweetener, vegetable-based drinks with at least 50% vegetable juice and no added sweetener, plain or carbonated water, nonfat or 1% unflavored milk, soy milk, rice milk, almond milk, or other similar nondairy milk. Restricts competitive beverages sold to pupils at high schools to a similar list of beverages, but additionally permits flavored carbonated water with no added sweeteners, and electrolyte replacement beverages with no more than 40 calories. [EDC §49431.5]
- 7) Prohibits food and beverages served or sold at elementary, middle, and high schools, beginning December 31, 2027, for purposes of provisions of law governing what can be sold at the school until 30 minutes after the school day ends, from containing any of the following synthetic color additives:
  - a) Blue 1;
  - b) Blue 2;
  - c) Green 3;
  - d) Red 40;
  - e) Yellow 5; or,
  - f) Yellow 6. [EDC §49431, et seq.]
- 8) Establishes the Office of Environmental Health Hazard Assessment (OEHHA), and permits OEHHA to perform specified activities relating to assessment of human health risks of chemicals, including studies, demonstrations of innovative methods, and dissemination of information, and permits OEHHA to either perform the activities directly or enter into contracts for the performance of the activities. [HSC §59017]
- 9) Establishes the Green Chemistry program, which requires the California Department of Toxic Substances Control (DTSC) to adopt regulations to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern. Requires these regulations to consider the volume of the chemical in commerce in this state, the potential for exposure to the chemical in a consumer product, and the potential effects on sensitive subpopulations, including infants and children. However, food is specifically excluded from the definition of “consumer product,” and so is not part of the Green Chemistry program. [HSC §25252]

**This bill:**

- 1) Enacts new provisions of law, titled Eating for Health, and states the intent is to facilitate and support the creation of health promoting eating environments in California.
- 2) Defines certain terms for purposes of the new Eating for Health provisions of law, which CDPH is permitted to expand, clarify, or subdivide by rule, including the following:

- a) “Category of food” means the following groups of food: fruits; vegetables; grains; cereals; beans, peas, and lentils; nuts, seeds, and soy products; beverages; dairy; seafood; poultry; meat; eggs; condiments; fats and oils; and, herbs and spices;
  - b) “Food” means all food and beverages intended for sale or to be served to school pupils on campus during the school day;
  - c) “Food product” means a finished product of food or beverage with a unique universal product code, other than foods provided by USDA’s Foods in schools program or food products reimbursed under the federal School Lunch Act or Child Nutrition Act, as specified; and,
  - d) “Health promoting eating environments” means, in places where foods and beverages are served or sold, there are healthy, good quality, culturally appropriate, and affordable options.
- 3) Defines “ultraprocessed food” as any food or beverage that contains a substance described in 4) below [with the exception of additives described in 5) below], and that has either high amounts of saturated fat, sodium, or added sugar, as defined in 6) below, or a nonnutritive sweetener or other substance described in 7) below.
- 4) Specifies, as part of the definition of UPF, that a food is UPF if it has a substance available in the federal Food and Drug Administration’s (FDA) Substances Added to Food database that are designated as having any of the following FDA-defined technical effect, with the exception of substances described in 5) below, and the food meets the other requirements of the definition:
- a) Surface-active agents, as defined in federal regulations;
  - b) Stabilizers and thickeners, as defined in federal regulations;
  - c) Propellants, aerating agents, and gases, as defined in federal regulations;
  - d) Colors and coloring adjuncts, as defined in federal regulations;
  - e) Emulsifiers and emulsifier salts, as defined in federal regulations;
  - f) Flavoring agents and adjuvants, as defined in federal regulations; and,
  - g) Nonnutritive sweeteners, as defined in federal regulations.
- 5) Excludes the following additives, or combination of these additives, from causing, by themselves, a food or beverage to be categorized as a UPF:
- a) Salt or sodium chloride;
  - b) Spices or other natural seasonings or flavorings, as listed in federal regulations; or,
  - c) Natural color additives, as listed in federal regulations.
- 6) Defines “high amounts of saturated fat, sodium, or added sugars”, for purposes of the definition of UPF, as follows:
- a) The food or beverage contains 10% or greater of total energy from saturated fat;
  - b) The food or beverage contains a ratio of milligrams of sodium to calories that is equal to or greater than 1:1; or,
  - c) The food or beverage contains 10% or greater of total energy from added sugars.
- 7) Specifies, as part of the definition of UPF, that a food is UPF if it has one of the substances in 4) above, and is either high in saturated fat, sodium, or added sugar as described in 6) above,

or has a nonnutritive sweetener as defined in federal regulations or any of the following substances:

- a) D-sorbitol;
- b) Erythritol;
- c) Hydrogenated starch hydrolysates;
- d) Sucralose;
- e) Isomalt;
- f) Lactitol;
- g) Luo Han Fruit Concentrate;
- h) Maltitol;
- i) Steviol glycosides;
- j) Thaumatin; or,
- k) Xylitol.

8) Excludes from the definition of UPF:

- a) Commodity food specifically made available by USDA;
- b) A raw agricultural commodity;
- c) An unprocessed locally grown or locally raised agricultural product, as defined in federal regulations;
- d) Minimally processed prepared foods, as defined in state law, which includes foods in a variety of forms, including whole, cut, sliced, diced, canned, pureed, dried, and pasteurized;
- e) Class 1 milk, as defined;
- f) Alcoholic beverages;
- g) Medical foods, as defined, but only if exempted by CDPH by regulations; and,
- h) Infant formula, as defined, but only if exempted by CDPH by regulations.

9) Defines “UPF of concern” as a food or food product that is an UPF, that is of concern as determined by regulations adopted by CDPH.

10) Defines “restricted school foods” as a food or beverage product that is not one of the exempted foods in 8) above, that contains one of the substances in 4) above [with the exception of the excluded additives in 5) above], and that CDPH has restricted from service or sale in schools through regulations.

11) Requires CDPH, by June 1, 2028, to adopt regulations to define UPFs of concern and restricted school foods that consider:

- a) Whether the substance or group of substances are banned or restricted in other state, federal, or international jurisdictions due to concerns about adverse health consequences;
- b) Whether the products include or require a warning label in other state, federal, or international jurisdictions due to concerns about adverse health consequences;
- c) Whether, based on reputable peer-reviewed scientific evidence, a substance or group of substances are linked to health harms or adverse health consequences, including any of the following: cancer; cardiovascular disease; metabolic disease; developmental or behavioral issues; reproductive harm; obesity; Type 2 diabetes; or other health harms associated with UPF consumption;

- d) Whether, based on reputable peer-reviewed scientific evidence, a substance or group of substances may be hyperpalatable, or may contribute to food addiction;
  - e) Whether the food has been modified to be high in saturated fat, added sugar, or salt;
  - f) Whether the food meets the requirements of the FDA's final rule establishing a definition of "healthy," that defines nutrient contents that are deemed to be part of a nutritious diet, as specified; and,
  - g) Whether the substance is a common natural additive.
- 12) Requires CDPH, when adopting regulations pursuant to this bill, to be guided by a rigorous examination of the available reputable peer-reviewed scientific evidence, and to consider:
- a) The total number of jurisdictions where the substance or product is banned, restricted, or requires a warning label;
  - b) The basis for any determination by another jurisdiction to ban, restrict, or require a warning label for any substance or product;
  - c) The quality, caliber, and scope of any scientific evidence to any above determination, including a rigorous examination of whether such evidence is the product of scientific research conducted according to internationally recognized best practices for scientific research; and,
  - d) Any reputable peer-reviewed scientific evidence that would call into question any determination that a substance is linked to health harms or adverse health consequences.
- 13) Requires CDPH to review regulations and, as needed, update the definitions of UPFs of concern and restricted school foods every five years to accommodate any relevant advances in scientific knowledge, the development of better agricultural or manufacturing practices, or other changes that would require revision of the definitions. Requires CDPH, if an update to either definition would add a food product to the list of restricted school foods or UPFs of concern, to delay the operation of the revised definition by three years to give impacted entities time to comply with the new definition's impact.
- 14) Requires CDPH to adopt and revise regulations pursuant to this bill in consultation with: OEHHA; the Department of Education (CDE); the Department of Food and Agriculture; the University of California; school food authorities and school nutrition program directors and managers; and, other state agencies that CDPH deems appropriate, after providing an opportunity for all interested parties to comment. Permits CDPH to seek information from academia, other states, the federal government, and other nations to inform implementation of this bill.
- 15) Requires, by July 1, 2029, schools to begin to phase out UPFs of concerns and restricted school foods.
- 16) Prohibits, beginning July 1, 2032, a vendor from offering UPFs of concern and restricted schools foods to a school.
- 17) Prohibits competitive food and beverages sold at elementary, middle, and high schools, beginning July 1, 2035, for purposes of provisions of law governing what can be sold at the school until 30 minutes after the school day ends, from including UPFs of concern or restricted school foods, except for foods provided by USDA's Foods in School Program

- 18) Prohibits federal National School Lunch Program and federal School Breakfast Program foods, excluding foods provided by USDA's Foods in School Program, beginning July 1, 2035, from containing UPFs of concern or restricted school foods.
- 19) Revises the definitions of "nutritionally adequate breakfast" and "nutritionally adequate lunch," for purposes of a requirement that schools from kindergarten through grade 12 provide a nutritionally adequate breakfast and lunch free of charge without consideration of a pupil's eligibility for free or reduced-price meals, to prohibit these meals from containing UPFs of concern or restricted school foods, beginning on July 1, 2035.
- 20) Requires any vendor of food or food products to a school, on or before February 1, 2028 and by February 1 of each year thereafter through February 1, 2032, to report the following information to CDPH for each food product sold to a school in the past calendar year, to the extent it is known to the vendor:
  - a) The total quantity of that food product sold to schools;
  - b) The name of the food product;
  - c) Whether the food product is a UPF;
  - d) Whether the food product is a UPF of concern or a restricted school food;
  - e) The category or categories of food to which the food product belongs;
  - f) The average total calories in each food product sold to schools that year;
  - g) The ingredient list of the food product; and,
  - h) The nutritional facts of the food product.
- 21) Exempts the following from the vendor reporting requirements: cottage food operations; microenterprise home kitchens; and, small businesses.
- 22) Specifies that a failure of a school or local educational agency to comply with the phase out of UPFs of concern or restricted school foods, or vendor violating the prohibition on offering UPFs of concern or restricted school foods, or from complying with the vendor reporting requirements, does not create a private right of action.
- 23) Requires CDPH, by July 1, 2028 and each July 1 thereafter through July 1, 2032, in consultation with the CDE, using information reported by school vendors, to submit a report to the Legislature, the Governor, and make publicly available on its website, containing all of the following information:
  - a) A summary and analysis of information reported by vendors pursuant to this bill for the prior year;
  - b) A summary and analysis of the progress of the UPFs of concern and restricted school foods phaseout;
  - c) Estimates of the amount of foods that are not UPF items and are sold or served to pupils on campus during the school day in elementary, middle, and high schools;
  - d) Estimates of the portion of the average elementary, middle, and high school student's school food intake, in calories, that is composed of UPF;
  - e) A strategy for reducing the consumption of UPFs, UPFs of concern, and restricted school foods in schools;
  - f) Analysis of the feasibility of reducing the sale or service of UPFs, UPFs of concern, and restricted school foods in schools;

- g) Any actions CDPH or the CDE plans to take regarding UPFs of concern and restricted school foods; and,
  - h) Recommendations for state and local legislative actions that could reduce the consumption of UPFs of concern and restricted school foods in schools.
- 24) Prohibits this bill from prohibiting a public entity from voluntarily enacting more stringent restrictions on UPFs, UPFs of concern, or restricted school foods.
- 25) Requires CDPH to consult with the CDE regarding compliance training and technical assistance for school food service and procurement staff, and requires CDPH to establish a structure to deliver training and technical assistance to local educational agencies. Requires the topics for training to be identified by CDPH through a periodic survey of local educational agencies, and permits the curriculum for the training to be developed in consultation with representatives from associations, consumer associations, and others as deemed appropriate by CDPH.
- 26) Permits CDPH to contract with providers with expertise in nutrition, school-community collaboration of service delivery and financing, and coordination and integration of support services to deliver training and technical assistance to implement this bill.

**FISCAL EFFECT:** The current version of this bill has not been analyzed by a fiscal committee.

**PRIOR VOTES:**

Assembly Floor:	65 - 1
Assembly Appropriations Committee:	12 - 0
Assembly Education Committee:	8 - 0

**COMMENTS:**

- 1) *Author's statement.* According to the author, this bill is a first-in-the-nation measure that would extend California's national leadership in food safety and school nutrition by phasing out "UPFs of concern" from school meals in California. This bill would task CDPH – working in cooperation with leading experts from the University of California – with identifying UPFs of concern based on scientific research linking them to cancer, cardiovascular disease, metabolic disorders, neurological or behavioral issues, and other health harms. This bill is co-authored by a diverse group of legislators from across the political and ideological spectrum, including Assembly Republican Leader James Gallagher (R-East Nicolaus) and Progressive Caucus Chair Alex Lee (D-San Jose). Our public schools should not be serving students UPF products filled with chemical additives that can harm their physical and mental health and interfere with their ability to learn. In California, Democrats and Republicans are joining forces to prioritize the health and safety of our children and we are proud to be leading the nation with a bipartisan, science-based approach. California schools are projected to provide over 1 billion meals this school year and this new legislation will ensure that schools are serving our students the healthy, nutritious meals they need and deserve.
- 2) *Summary of changes to this bill since the last policy committee hearing.* When this bill was first in the Senate, it was double referred to the Senate Education Committee and to the Senate Environmental Quality Committee. The referral to the Senate Environmental Quality

Committee was because the bill directed OEHHA to determine what was considered potentially harmful UPFs, and OEHHA falls within the jurisdiction of the Environmental Quality Committee. However, partly in response to discussions with the Administration to shift responsibility for determining which foods should be restricted in schools from OEHHA to CDPH, and to address some of the concerns raised by stakeholders, the author amended the bill on the Senator Floor to incorporate a number of changes. Below is a summary of the major changes:

- a) Renames “particularly harmful UPF” as “UPF of concern;”
- b) Removes responsibility for determining UPFs of concern from OEHHA, and instead requires CDPH to adopt regulations to define UPFs of concern;
- c) Moves the provisions defining UPFs and requiring adoption of regulations governing UPFs of concern out of the Sherman Food, Drug, and Cosmetic Law, and instead adds a new article to a chapter of law concerning nutrition entitled “Eating for Health;”
- d) Delays the date by which CDPH is required to adopt regulations defining UPFs of concern from July 1, 2026 to June 1, 2028;
- e) Revises the definition of “UPF” as follows:
  - i) Changes the definition of “high amounts of saturated fat, sodium, or added sugars,” which is one of the factors determining whether a food or beverage is UPF, so that instead of cross referencing to a federal law that defines “high” as a food that contains 20% or more of the reference daily intake or the daily reference value, the definition will now be as follows: the food or beverage contains: 10% or greater of total energy from saturated fat; a ratio of milligrams of sodium to calories that is equal to or greater than 1:1; or, 10% or greater of total energy from added sugars;
  - ii) Removes “substances not available” in the FDA’s Substances Added to Food database, while retaining the substances that are in that database with the specified technical effects;
  - iii) Adds a list of eleven nonnutritive sweeteners and related substances that would also categorize a food as UPF even if the food did not meet threshold for being high in saturated fats, sodium, or added sugars, including Sucralose, Luo Han Fruit Concentrate, D-Sorbitol, Steviol glycosides, and Xylitol, among others;
  - iv) Prohibits the following additives, by themselves, from causing a food to be categorized as UPF; salt, or sodium chloride; spices, and other natural seasonings and flavorings, as defined in federal law; and, natural color additives, as defined in federal law; and,
  - v) In addition to the bill’s existing exemptions from being categorized as UPF, exempts medical foods and infant formula, as each of these are defined, but only if exempted by CDPH in regulation.
- f) Requires CDPH to adopt regulations, by June 1, 2028, to define “restricted school foods,” which is defined as a food or beverage that contains one of the substances in the FDA database with a technical effect specified in the bill but does not meet the threshold for being high in saturated fats, sodium, or added sugars, and that will be restricted from service or sales in schools by the regulations adopted by CDPH;
- g) Requires CDPH to review regulations and, as needed, update the definitions of UPFs of concern and restricted school foods every five years (rather than every two years), and if a food product is added to the list of UPFs of concern or restricted school foods, requires CDPH to delay the operation of the revised definition by three years to give impacted entities time to comply with the new definition’s impact;
- h) Specifies that the failure of a school, local educational agency, or vendor to comply with this bill does not create a private right of action.



- 3) *Provisions establishing a definition of UPF and requiring CDPH to determine UPFs of concern are limited to foods served or sold in schools.* While this bill contains a statement of intent that the purpose of the new Eating for Health provisions of law is to facilitate the creation of health promoting eating environments in California in general, the definition of food that governs the entire Eating for Health provisions established by this bill make it clear that this is limited to food that is intended to be sold or served to school pupils on campus during the school day. The definition of UPF in this bill means “any food or beverage” that contains certain substances and meets other requirements, and the definition of “food” specifies that it is limited to “all food and beverages intended for sale or to be served to school pupils on campus during the school day.” Together, these definitions make clear that only food intended to be sold or served in schools is subject to the provisions of this bill pertaining to UPFs.
- 4) *The NOVA classification system and the definition of UPF.* The NOVA classification, also referred to as Nova, comes from the Portuguese title of the article that was originally published in 2009 by a researcher in Brazil: “A new classification of foods.” As it has evolved since originally formulated, NOVA classifies foods into four groups:
- a) *Unprocessed or minimally processed foods.* Minimally processed foods are natural foods (from plants, or from animals, including muscle, eggs, milk) that are altered by processes that include removal of inedible or unwanted parts, and drying, crushing, grinding, fractioning, filtering, roasting, boiling, non-alcoholic fermentation, pasteurization, refrigeration, chilling, freezing, placing in containers, and vacuum packaging. These processes are designed to preserve natural foods, make them suitable for storing, or make them safe or edible or more pleasant to the consumer.
  - b) *Processed culinary ingredients.* Processed culinary ingredients such as oils, butter, sugar and salt, are substances derived from Group 1 foods or from nature by processes that include pressing, refining, grinding, milling, and drying. The purpose of such processes is to make durable products that are suitable for use in home and restaurant kitchens to prepare, season, and cook Group 1 foods. They are not meant to be consumed by themselves, and are normally used in combination with Group 1 foods to make freshly prepared drinks, dishes and meals.
  - c) *Processed foods.* Processed foods, such as bottled vegetables, canned fish, fruits in syrup, cheeses, and freshly made breads, are made by adding salt, oil, sugar, or other substances from Group 2 to Group 1 foods. Processes include various preservation or cooking methods, and, in the case of breads and cheese, non-alcoholic fermentation. Most processed foods have two or three ingredients, and are recognizable as modified versions of Group 1 foods. They are edible by themselves, or more usually, in combination with other foods.
  - d) *Ultra-processed foods.* UPFs, such as soft drinks, sweet or savory packaged snacks, reconstituted meat products, and pre-prepared frozen dishes, are not modified foods but formulations made mostly or entirely from substances derived from foods and additives, with little, if any, intact Group 1 food. Ingredients of these formulations usually includes those also used in processed foods, such as sugars, oils, fats, or salt, but also include other sources of energy and nutrients not normally used in culinary preparations. Some of these are directly extracted from foods, such as casein, lactose, whey, and gluten. Many are derived from further processing of food constituents, such as hydrogenated or interesterified oils, hydrolysed proteins, soy protein isolate, maltodextrin, invert sugar, and high-fructose corn syrup. Additives in UPF includes some used in processed foods,

such as preservatives, antioxidants and stabilizers. Classes of additives found only in UPF products include those used to imitate or enhance the sensory qualities of foods or to disguise unpalatable aspects of the final product. These additives include dyes and other colors, color stabilizers, flavors, flavor enhancers, non-sugar sweeteners, and processing aids such as carbonating, firming, bulking, and anti-bulking, de-foaming, anti-caking and glazing agents, emulsifiers, sequestrants and humectants.

This bill uses a multi-pronged definition to categorize whether foods intended to be sold or served in schools are UPF. First, it uses the FDA's Substances Added to Food database (which was previously known as Everything Added to Foods in the United States, or EAFUS). This is a database of additives, including color additives, flavoring substances, and other ingredients added to food to achieve certain "technical effects." Federal regulations list 32 different physical or technical effects that a food ingredient or additive can have, including antioxidants or antimicrobial agents used to preserve food, drying agents to maintain an environment of low moisture, enzymes to improve food processing, leavening agents, lubricants and release agents to prevent food from sticking to food contact surfaces, etc. This bill identifies eight of these technical effects that are considered by the proponents of this bill as associated with UPF – technical effects that are for flavoring or coloring effects, for example, or emulsifiers and thickeners.

If a food product meets the first test of having an additive with one of the eight technical effects, it moves on to the second prong: whether it is either high in saturated fat, sodium, or added sugar, or it contains a nonnutritive sweetener or one of eleven other substances that are used as sugar replacements. These eleven substances, such as xylitol, D-sorbitol, and isomalt, are sugar alcohols or other substances that don't meet the definition of nonnutritive sweeteners because they still contain some calories, but are used as sugar substitutes.

- 5) *The formulas for determining whether a food is high in saturated fat, sodium, or sugar is from the Pan American Health Organization (PAHO) Nutrient Profile Model.* As described above, one of the prongs for determining whether a food is UPF is whether it is high in saturated fat, sodium, or added sugar. A prior version of this bill defined "high in" as being 20% or more of the recommended dietary allowance (RDA). However, this definition meant that small serving sizes would not meet this definition, even if the food product had a relatively high proportion of fat, salt, or added sugar. Under the PAHO formula, it is the ratio that is important, not the total amount. So a single, small cookie, for example, might not meet 20% of the RDA for added sugar, but it might meet the PAHO definition if the sugar content is 10% of the total calories. A gram of sugar is equal to 4 calories. So if a food product is 100 calories, it can have no more than 2.5 grams of sugar ( $2.5 \times 4 = 10$  calories, which is 10% of 100). Similarly, a gram of saturated fat is equal to 9 calories. So that same 100 calorie food product can have no more than 1.1 gram of saturated fat to stay within the 10% limit. With regard to sodium, it is a straight 1:1 ratio of milligrams to calories: that 100 calorie food product can have no more than 100 milligrams of sodium. Under the PAHO formula, the ratio stays the same, regardless of serving size.
- 6) *Definition of UPF may capture foods not typically considered UPF.* As described above, the definition of UPF hinges, in part, on whether a food has a substance in the FDA database of food additives that has one of eight defined "technical effects:" surface-active agents; stabilizers and thickeners; propellants, aerating agents, and gases; colors and coloring adjuncts; emulsifiers and emulsifier salts; flavoring agents and adjuvants; flavor enhancers; and, nonnutritive sweeteners. However, food additives in the database often have multiple

technical effects, and so a food additive can be included in the UPF definition even if it is being used for a technical effect that is not one of the technical effects associated with UPF. For example, cornstarch has ten different potential technical effects, some of which are functional and not UPF, like anticaking agent, drying agent, or formulation aid, while other technical effects of cornstarch are listed in this bill as meeting the definition of UPF, such as stabilizer and thickener, and flavoring agent. So under this bill, if a food product has cornstarch, it meets the first prong of the definition. This means that some foods that are not generally considered “UPF” might still be captured by the definition. For example, a block of mozzarella cheese usually contains milk, cheese cultures, salt, and enzymes, none of which meet the first prong of the definition. Even though the mozzarella cheese is both high in saturated fat and high in sodium, it is not UPF. However, that same cheese, packaged as shredded mozzarella, is likely going to be identified as UPF because anti-caking agents or release agents (such as cornstarch or potato starch) are typically added to the product to prevent the cheese shreds from sticking together. While these two technical effects are not considered by the bill to be UPF, cornstarch and potato starch also have other technical effects, such as flavor enhancer and stabilizer/thickener, which would trigger designation as UPF. Another example is a fruit jam or jelly that uses fruit pectin to set the fruit. Pectin is a firming agent, which is not a UPF technical effect under this bill, but it also has other technical effects that are UPF, such as flavor enhancer and stabilizer/thickener. So a jam with only fruit, sugar, and fruit pectin meets the first prong, and would almost certainly meet the second prong of having added sugar that is at least 10% of the calories.

It is unclear how many other examples of foods there are that might meet the definition in this bill despite not meeting the common understanding of UPF. The criteria that the food must also be high in saturated fat, sodium, or sugar does narrow the list of food products considerably. Also, as described above, this definition only applies to foods intended to be sold or served in schools, and only establishes the universe of food products that CDPH will look at to determine UPFs of concern. The only other effect of the definition under this bill is with regard to the reporting provisions, where vendors are required to report whether a food provided to a school is UPF, and CDPH is required to report an estimate of the portion of the average student’s food intake, in calories, that is composed of UPF.

- 7) *Amendments added a new category of “restricted school foods,” which is treated the same as UPFs of concern, but doesn’t have to meet the first definition of UPF.* As described in the summary of amendments, one of the changes made to this bill was to add a new category called “restricted school foods.” Restricted school foods will still be determined pursuant to regulations adopted by CDPH, just like UPFs of concern. However, UPFs of concern are determined from the universe of school foods that first meet the definition of UPF. Restricted school foods was added to capture foods that have one or more of the additives in the first prong of the definition, but do not meet the “high-in saturated fat, sodium, or added sugar” of the second prong of the definition, and do not have a nonnutritive sweetener or other sugar substitute. The purpose of adding the category of “restricted school foods” was to give CDPH the ability to restrict a food that has all the characteristics of a UPF of concern, including a risk of adverse health consequences, etc., but was not high in saturated fat, sodium, or added sugar.
- 8) *Double referral.* This bill was heard in the Senate Education Committee on July 2, 2025, and passed with a 7-0 vote, and was heard in the Senate Environmental Quality Committee on July 16, 2025, and passed with a 7-0 vote.

- 9) *Prior legislation.* AB 2316 (Gabriel, Chapter 914, Statutes of 2024) prohibited schools, commencing December 31, 2027, from serving or selling any food or beverage during the school day that contains the following six synthetic color additives: Blue 1, Blue 2, Green 3, Red 40, Yellow 5, and Yellow 6.

AB 418 (Gabriel, Chapter 328, Statutes of 2023) enacted the California Food Safety Act to prohibit, commencing January 1, 2027, the manufacture or sale of a food product that contains any of the following substances: brominated vegetable oil; potassium bromate; propylparaben; and, red dye 3.

SB 348 (Skinner, Chapter 600, Statutes of 2023) requires schools to provide students with adequate time to eat following guidelines established by the CDE; makes various conforming changes to the school meal program to implement the free universal school breakfast and lunch program; and, requires the CDE, in partnership with the California School Nutrition Association to develop guidelines to reduce the sugar and sodium content in school meals if the National School Lunch Program allows more added sugar or sodium than is recommended by the most recent Dietary Guidelines for Americans at any time in the future.

SB 651 (Wieckowski of 2021) would have required food containing synthetic dyes to have the following label: SAFETY WARNING: Synthetic dyes may cause or worsen behavioral problems in children. *SB 651 was not heard in the Senate Health Committee.*

SB 347 (Monning of 2019), SB 300 (Monning of 2017), SB 203 (Monning, of 2015), and SB 1000 (Monning of 2014) would have established the Sugar-Sweetened Beverages Health Warning Act, to be administered by CDPH, and required a safety warning on all sealed sugar-sweetened beverage containers, as specified. Would have required the warning label to be posted in a place that is easily visible at the point-of-purchase of an establishment where a beverage container is not filled by the consumer. *SB 347 was not heard in Assembly Health Committee. SB 300 was not heard in Senate Health Committee. SB 203 failed passage in the Senate Health Committee. SB 1000 failed passage in the Assembly Health Committee.*

SB 504 (Wieckowski of 2017), as introduced, was substantially similar to SB 651 (Wieckowski of 2021). Prior to the hearing in Senate Health Committee, it was amended to require the OEHHA to review existing scientific literature on the risks, if any, to children who consume synthetic food dyes, and to issue a report on whether synthetic dyes adversely affect some children's behavior, and if so, what risk management options are available to the Legislature. *SB 504 was held on the Senate Appropriations Committee suspense file, but funding for OEHHA to complete this assessment was included in the 2018-2019 Budget Act.*

SB 1381 (Evans of 2014), would have enacted "The California Right to Know Genetically Engineered Food Act" to require the labeling of all genetically engineered foods sold within California. *SB 1381 failed passage on the Senate Floor.*

- 10) *Support.* This bill is sponsored by the Environmental Working Group and Consumer Reports, and supported by a broad coalition of health organizations, among others. Supporters state that while processed foods are part of a healthy diet, the consumption of UPFs is linked to serious health risks, including cancer, cardiovascular disease, and Type 2 Diabetes. Supporters state that UPFs are different from processed foods because they combine industrial ingredients and additives in ways that make foods hyper-palatable. These foods are not simply delicious, they are literally irresistible because they change the signals

that are sent to our children's brains. Supporters state that this bill does not ban all processed foods or even all UPFs from schools, nor does it ban UPFs from grocery stores and restaurants or require labels. This bill simply ensures that the most harmful UPFs are not served in school meals after 2035, and the bill requires vendors, not school professionals, to report about and remove the worst UPFs from school food.

- 11) *Oppose unless amended.* A coalition of food and beverage manufacturers, the agricultural industry, food suppliers and others oppose this bill unless amended to address their concerns. Opponents state that while they support the intent to improve student nutrition and recognize that recent amendments are important steps forward, this bill continues to present implementation challenges, remains overly broad, and risks stigmatizing healthy and nutritional foods. Despite improvements in the bill, several provisions of the amended bill continue to raise significant concerns. With regard to the definition of UPF, the new amendments expand the scope of the definition by adding strict nutrient thresholds and automatically classifying products containing specific sweeteners, significantly broadening what would be deemed UPF. Opponents state that the definition sweeps in many commonly used, healthy, and natural ingredients, and that this stigmatizing approach is compounded by provisions requiring CDPH to submit strategies to reduce UPF consumption. Opponents state that the 1:1 sodium-to-calorie ratio, when combined with the presence of a technical effect ingredient, would deem a food or beverage as UPF, which poses significant implementation challenges, since current school meal standards impose sodium limits at the meal level, not on individual ingredients. Applying a strict item-level ratio risks disqualifying common condiments such as salad dressings and sauces, which are often essential to making balanced meals appealing and palatable for students. Regarding nonnutritive sweeteners, opponents state that under the recent amendments, nonnutritive sweeteners are treated as an automatic trigger for classification, with an explicit list of substances like sucralose, stevia, and monk fruit that independently make a product a UPF. Treating natural and synthetic sweeteners alike creates an arbitrary standard that ignores their role in reducing added sugar. Nonnutritive sweeteners are critical tools for innovation, especially for children managing diabetes and families seeking low sugar alternatives. Opponents also argue that this bill does not include a nutritional density model, and categorizes many nutrient-dense foods as UPF and potentially "of concern" when they provide additional dietary value, including vitamins and minerals. These foods, such as yogurt, cheese, and foods with natural additives should be promoted, not categorized and disparaged as UPF. With regard to producer and school liability, opponents state that while they appreciate recent amendments stating that the bill does not create a new private right of action, it does not address new liability the bill could create under existing private rights of action. Finally, opponents state that this bill authorizes any public entity to adopt more stringent restrictions on UPF, which creates a risk of inconsistent local standards across the state.

#### **SUPPORT AND OPPOSITION:**

**Support:** Consumer Reports (co-sponsor)  
 Environmental Working Group (co-sponsor)  
 A Voice for Choice Advocacy  
 Ag Link, Inc.  
 Alliance for Children's Rights  
 American Academy of Pediatrics, California  
 American Diabetes Association  
 American Nurses Association/California  
 American Obesity Foundation

Breast Cancer Prevention Partners  
California Citrus Mutual  
California Democratic Party  
CFT - A Union of Educators & Classified Professionals, AFT, AFL-CIO  
California Fresh Fruit Association  
California Health Coalition Advocacy  
California Medical Association  
California Nurses for Environmental Health & Justice  
California Podiatric Medical Association  
California Public Interest Research Group  
California School Employees Association  
California School-Based Health Alliance  
California State PTA  
California Public Interest Research Group  
Capistrano Unified School District  
Center for Environmental Health  
Center for Food Safety  
Center for Science in the Public Interest  
Ceres Community Project  
Chef Ann Foundation  
Children Now  
Children's Food Trust  
Cleaneearth4kids.org  
Conscious Kitchen  
Consumer Federation of America  
Crohns and Colitis Foundation  
Dos Pisano's, Inc.  
Eat Real  
Educate. Advocate.  
Endeavor Health  
Facts Families Advocating for Chemical and Toxics Safety  
Food & Water Watch  
Foodfight USA  
Fresno Unified School District  
Friends of the Earth - US  
Healthy Food America  
Indivisible Marin  
Junior Leagues of California State Public Affairs Committee  
Kern County Superintendent of Schools Office  
Life Time Foundation  
Los Angeles Community College District  
Marysville Joint Unified School District  
Morgan Hill Unified School District  
National Consumers League  
National Farm to School Network  
National Union of Healthcare Workers  
Nextgen California  
Office of CUSD School Board President, Jaime Diamond  
Office of Kat Taylor  
Resource Renewal Institute

San Luis Coastal Unified School District  
San Ramon Valley Unified School District  
Stand Up California  
Stanford Medicine Children's Health  
The Los Angeles Trust for Children's Health  
The Office of Kat Taylor  
United Nurses Associations of California/Union of Health Care Professionals  
Wellness in the Schools, Inc.  
California Citrus Mutual  
California Fresh Fruit Association

**Oppose:** American Beverage Association (unless amended)  
American Chemistry Council (unless amended)  
Association of California Egg Farmers (unless amended)  
California Association of Wheat Growers (unless amended)  
California Bean Shippers Association (unless amended)  
California Cattleman's Association (unless amended)  
California Chamber of Commerce (unless amended)  
California Farm Bureau (unless amended)  
California Grain & Feed Association (unless amended)  
California Grocers Association (unless amended)  
California League of Food Producers (unless amended)  
California Manufacturers & Technology Association (unless amended)  
California Pear Growers Association (unless amended)  
California Pork Producers Association (unless amended)  
California Poultry Federation (unless amended)  
California School Boards Association (unless amended)  
Civil Justice Association of California (unless amended)  
Consumer Brands Association (unless amended)  
Flavor Extract Manufacturers Association (unless amended)  
Food Ingredient Safety Coalition (unless amended)  
National Pork Producers Council (unless amended)  
Pacific Egg and Poultry Association (unless amended)  
Western United Dairies (unless amended)

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