
THIRD READING

Bill No: AB 1264
Author: Gabriel (D), et al.
Amended: 9/4/25 in Senate
Vote: 21

Prior votes not relevant, pursuant to Senate Rule 29.10(b).

SENATE HEALTH COMMITTEE: 10-0, 9/9/25

AYES: Menjivar, Valladares, Durazo, Gonzalez, Grove, Limón, Padilla,
Richardson, Rubio, Weber Pierson

NO VOTE RECORDED: Wiener

ASSEMBLY FLOOR: 65-1, 6/3/25 - See last page for vote

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

SOURCE: Consumer Reports Advocacy (co-source)
Environmental Working Group (co-source)

DIGEST: This bill enacts the Real Food, Healthy Kids Act to reduce the consumption of ultraprocessed foods (UPF) by the children of California by defining UPFs intended to be sold or served in schools, establishing a process for the California Department of Public Health (CDPH) 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 by vendors as of July 1, 2032, and prohibited from being served or sold in schools by July 1, 2035.

ANALYSIS:

Existing law:

- 1) 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. [Education Code (EDC) §49431, §49431.2]

- 2) 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)]
- 3) Restricts the type of competitive beverages that may be sold to pupils at elementary or middle schools to fruit-based or vegetable-based drinks with at least 50% fruit juice or 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]
- 4) Prohibits food or beverages sold or served at elementary, middle, and high schools, beginning December 31, 2027, from containing specified synthetic color additives. [EDC §49431, et seq.]
- 5) 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. [Health & Safety Code §59017]

This bill:

- 1) Enacts new provisions of law, titled Eating for Health, and states the intent of these new provisions of law 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 schoolday;
 - 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” (UPF) 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 FDA’s 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: salt or sodium chloride; spices or other natural seasonings or flavorings, as listed in federal regulations; or, natural color additives, as listed in federal regulations.

- 6) Defines “high amounts of saturated fat, sodium, or added sugar, for purposes of the definition of UPF, as follows: the food or beverage contains 10% or greater of total energy from saturated fat; the food or beverage contains a ratio of milligrams of sodium to calories that is equal to or greater than 1:1; or, 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: D-sorbitol; erythritol; hydrogenated starch hydrolysates; sucralose; isomalt; lactitol; Luo Han Fruit Concentrate; maltitol; steviol glycosides; thaumatin; or, xylitol.
- 8) Excludes from the definition of UPF any of the following:
 - a) Commodity food specifically made available by the United States Department of Agriculture (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 ultraprocessed food, that is of concern as determined by regulations adopted by CDPH pursuant to this bill.
- 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 adopted pursuant to this bill.

- 11) Requires CDPH, on or before June 1, 2028, to adopt regulations to define UPFs of concern and restricted school foods that consider all of the following factors:
 - 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 the term "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 all of the following:
 - 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.
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- 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. If an update to either definition would add a food product to the list of restricted school foods or UPFs of concern, 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.
 - 14) Requires CDPH to adopt and revise regulations pursuant to this bill in consultation with the following: OEHHA; the Department of Education; the Department of Food and Agriculture; the University of California; school food authorities, and school nutrition program directors and manager; 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, no later than 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, as defined; microenterprise home kitchens, as defined; and, a small business, as defined.
- 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 Department of Education, using information reported by school vendors, to submit a report 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 schoolday 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 Department of Education 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 Department of Education 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.

Comments

According to the author of this bill:

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.

Background

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 OEHHHA to determine what was considered potentially harmful UPFs, and OEHHHA 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 OEHHHA 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 to this bill. Here is a summary of the major changes to this bill as a result of the most recent amendments to the bill, adopted on the Senate Floor:

- a) Renames “particularly harmful UPF” as “UPF of concern;”
- b) Removes responsibility for determining UPFs of concern from OEHHHA, 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.

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 schoolday. 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 schoolday.” 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.

Definition of UPF. 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. 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.

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.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:Yes

This bill was substantially amended since it was heard in Senate Appropriations Committee. However, CDPH provided the following fiscal estimate of the current bill:

- CDPH estimates the annual costs of \$3.85 million in fiscal year (FY) 2026-27, \$4.15 million in FY 2027-28, and \$3.2 million in FY 2028-29 and ongoing.
- CDPH will require 9.0 full-time equivalent (FTE) positions to implement the requirements of the bill. Staff will oversee the development of regulations and definitions, coordinate with external departments and partners, collect vendor submissions, prepare required reports, and complete all other required activities.
- The IT requirements in this bill invoke the Project Approval Lifecycle (PAL) planning process as required by control agencies following Government Code 11545. PAL costs can range from \$200K over 5 months for smaller, less complex IT projects to \$1.6M over 17 months for more complex IT projects. In some cases, PAL costs can exceed \$1.6M when IT projects are critical in nature or involve complex systems across multiple programs.
- The planning process will allow proper planning including requirements gathering, scoping, and cost analysis to ensure the appropriate IT solution is selected and managed. The estimated cost to design, develop, and implement, including ongoing maintenance and operation, is \$1,239,000 in FY 2026-27, \$1,539,000 in FY 2027-28, and \$600,000 in FY 2028-29. This cost will be further refined and updated after all required planning stages are completed.

SUPPORT: (Verified 9/9/25)

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.

OPPOSITION: (Verified 9/9/25)

American Beverage Association
American Chemistry Council
Association of California Egg Farmers
California Association of Wheat Growers
California Bean Shippers Association
California Cattleman's Association
California Chamber of Commerce
California Farm Bureau
California Grain & Feed Association
California Grocers Association
California League of Food Producers

California Manufacturers & Technology Association
California Pear Growers Association
California Pork Producers Association
California Poultry Federation
California School Boards Association
Civil Justice Association of California
Consumer Brands Association
Flavor Extract Manufacturers Association
Food Ingredient Safety Coalition
National Pork Producers Council
Pacific Egg and Poultry Association
Western United Dairies

ARGUMENTS IN 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.

ARGUMENTS IN OPPOSITION: *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.

ASSEMBLY FLOOR: 65-1, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Sanchez, Schiavo, Schultz, Sharp-Collins, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio

NO VOTE RECORDED: Alanis, Bains, Castillo, Davies, Dixon, Ellis, Mark González, Hadwick, Macedo, Michelle Rodriguez, Blanca Rubio, Solache, Tangipa

Prepared by: Vincent D. Marchand / HEALTH / (916) 651-4111
9/9/25 18:02:49

**** **END** ****