

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 1264 Author:(Gabriel)

As Amended Ver:September 04, 2025

Majority vote

SUMMARY

Prohibits local educational agencies (LEAs) from selling "particularly harmful ultra-processed foods" (UPF) or beverages, beginning July 1, 2035. Prohibits a vendor from offering particularly harmful UPF to a school, beginning January 1, 2032. Requires the Office of Environmental Health Hazard Assessment (OEHHA) to adopt, by July 1, 2026, regulations to define particularly harmful UPF.

Senate Amendments

- 1) Require federal National School Lunch Program and federal School Breakfast Program food and competitive food entrees sold by any entity, excluding foods provided by the U.S. Department of Agriculture (USDA) Food in Schools Program, do not include particularly harmful UPF.
- 2) Update the definition of particularly harmful UPF to mean a food or food product that is an ultraprocessed food, as defined, sold by any entity to a school that is particularly harmful, as determined by regulations adopted by the OEHHA.
- 3) Clarify that particularly harmful UPF does not include nonfat flavored milk, soy milk, rice milk, almond milk, or other similar nondairy milk, as specified.
- 4) Update the definition of UPF to mean any food or beverage that contains high amounts of saturated fat, sodium, or added sugar, as specified, and contains one or more of the specified substances including stabilizers, thickeners, and propellants. Removes surface finishing agents from the list of eligible ingredients in the definition of UPF.
- 5) Clarify that UPF does not include any of the following: commodity food specifically made available by the USDA, a raw agricultural commodity as defined, an unprocessed locally grown or locally raised agricultural product as defined, minimally processed prepared food as defined, Class 1 milk as defined, and alcoholic beverages as defined.
- 6) Require the OEHHA, when adopting regulations to define particularly harmful UPF, to be guided by a rigorous examination of 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.
- 7) Require the OEHHA to adopt regulations to establish, by January 1, 2028, a petitioning process for the exemption of a food or ingredient from the particularly harmful UPH designation, and requires the petitioning process to include a petitioning fee.
- 8) Other technical changes.

COMMENTS

Practical effect for LEAs. Existing law prohibits schools from selling food that contains more than 0.5 grams of trans fat per serving, soda, beverages that contain caffeine, and beginning December 31, 2027, any food or beverage containing specified dyes. This bill further prohibits schools from selling, beginning July 1, 2035, any food or beverage that contains particularly harmful UPF (but does not prohibit the sale of UPF that are not "particularly harmful"). Schools generally purchase the bulk of their food from the USDA Foods in Schools program, also known as commodities. Schools supplement USDA commodities with food purchased from school meal vendors, who prepare food products for schools in accordance with federal and state nutrition standards. Many schools also supplement USDA commodities with fresh fruit and vegetables purchased from local farmers. The food served by schools is typically not the same as the food found in grocery stores, as it must meet specific nutrition standards for schools.

While this bill prohibits schools from selling particularly harmful UPF, the bill places the greatest responsibility on vendors to offer food and beverage products that do not contain particularly harmful UPF, as defined by the Office of Environmental Health Hazard Assessment. Food and beverage vendors will need to adapt their products offered to schools, schools will have to rely solely on cooking from scratch using ingredients that are not particularly harmful UPF, or schools may need to change their menus to ensure no particularly harmful UPF are used. Until the regulations are developed to define particularly harmful UPF, it is unknown exactly which products currently sold, or ingredients used, by schools will be affected.

Processed, ultra-processed, or particularly harmful ultra-processed. As noted in the Senate Environmental Quality Committee analysis, researchers have examined the possible detrimental effects of excessively consuming processed foods on diets and general health. The Senate Environmental Quality Committee analysis also cites research that "has demonstrated that excessive consumption of UPFs are associated with a greater risk of disorder, disease and premature death. There have been links between UPFs and obesity, diabetes, hypertension, cancer, depression, and other chronic diseases." Please refer to the Senate Environmental Quality Committee analysis for more information and a comment from the Senate Health Committee.

According to the Author

"AB 1264 is a first-in-the-nation measure that would extend California's national leadership in food safety and school nutrition by phasing out particularly harmful UPFs from school meals in California by 2032. AB 1264 would task state scientists – working in cooperation with leading experts from the University of California – with identifying "particularly harmful" UPFs based on scientific research linking them to cancer, cardiovascular disease, metabolic disorders, neurological or behavioral issues, and other health harms. AB 1264 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 one 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."

Arguments in Support

The Center for Food Safety states, "UPFs are not just highly manufactured—they are deliberately engineered to be hyper-palatable. Packed with industrial additives, these products are designed to override the body's natural hunger cues and encourage overconsumption. Unlike whole or minimally processed foods, UPFs offer little nutritional value while contributing to chronic health conditions including cancer, cardiovascular disease and Type 2 diabetes. Most of these food additives have already been banned by the European Union.

By directing the Office of Environmental Health Hazard Assessment (OEHHA) to identify those UPFs posing the greatest health risk to school aged children, AB 1264 enlists California's state scientists to identify which additives and combinations of additives pose the greatest risk to children's health. California has already set the gold standard for food safety and school nutrition through when the legislature enacted AB 418 (Gabriel) and AB 2316 (Gabriel). AB 1264 will build on that foundation, giving our state another opportunity to make California's children's health our top priority."

Arguments in Opposition

The Consumer Brands Association states, "While the bill's intent to improve student nutrition is commendable, it introduces significant financial and administrative burdens on school districts and the State Department of Education and will result in fewer products available, increasing costs and reducing choice. We urge you to reject this well-intentioned but impractical legislation and seek alternative incentive-based solutions that achieve nutritional goals without creating unnecessary costs and hardships.

AB 1264 mandates the categorization and regulation of "ultra-processed" foods, yet fails to clearly define which foods fall under this classification. This ambiguity could result in banning commonly used ingredients in school meal staples such as bread, dairy, and locally grown canned fruits or vegetables. Moreover, with California and the U.S. Department of Agriculture already enforcing strict school nutrition standards, these additional restrictions risk creating unnecessary redundancies and compliance challenges."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The Office of Environmental Health Hazard Assessment (OEHHA) estimates General Fund costs of about \$2.8 million each year for 14.0 positions through 2032, when the vendor reporting requirement sunsets, to perform the research, rulemaking, and oversight activities required by the bill. The OEHHA estimates an additional \$1.0 million in one-time General

Fund for contracting dollars to create an IT solution that enables vendor reporting, and \$25,000 (General Fund) annually until the vendor reporting requirement sunsets for operations and maintenance. The OEHHA indicates that this estimate assumes the vendor reporting requirement would require the collection of detailed data from a large number and variety of school districts and vendors, which would be impractical, especially given that the reporting expires after 5 years. Additionally, the exemption process would require processing of an unknown but potentially significant number of exemption requests. The OEHHA believes the fiscal impact would be significantly reduced if the office's role were focused on identifying particularly harmful UPFs.

- 2) The bill's prohibition on particularly harmful UPF would essentially require vendors to adapt their food and beverage products offered to schools that do not contain particularly harmful UPFs. This could potentially lead to increased costs for these products, resulting in additional, unknown Proposition 98 cost pressures on school districts that continue to purchase them or decide to purchase other more expensive options. However, until the regulations are developed by the OEHHA that define particularly harmful UPFs or beverages, it is unclear exactly which products or ingredients will be affected.
- 3) The California Department of Education (CDE) estimates General Fund costs of approximately \$751,000 to hire 4.05 additional staff needed to support implementation of the new school nutrition requirements.

VOTES:

ASM EDUCATION: 8-0-1

YES: Muratsuchi, Hoover, Addis, Alvarez, Bonta, Garcia, Lowenthal, Patel

ABS, ABST OR NV: Castillo

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 6-0-1

YES: Connolly, Ellis, Bauer-Kahan, Lee, McKinnor, Papan

ABS, ABST OR NV: Castillo

ASM APPROPRIATIONS: 12-0-3

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta

ABS, ABST OR NV: Sanchez, Dixon, Tangipa

ASSEMBLY FLOOR: 65-1-13

YES: 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

NO: DeMaio

ABS, ABST OR NV: Alanis, Bains, Castillo, Davies, Dixon, Ellis, Mark González, Hadwick, Macedo, Michelle Rodriguez, Blanca Rubio, Solache, Tangipa

UPDATED

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