

ASSEMBLY THIRD READING

AB 2244 (Gabriel)

As Amended April 16, 2026

Majority vote

SUMMARY

Requires the State Department of Public Health (DPH), no later than June 1, 2028, to accredit certification agents that can certify products as "Non-Ultraprocessed Certified." Prohibits an accredited certification agent from certifying a product as "Non-Ultraprocessed Certified" if it is classified as an ultraprocessed food (UPF), ultraprocessed food of concern (UPF of concern), or a restricted school food. Requires DPH to create a specified standardized "Non-Ultraprocessed Certified" seal. Authorizes a person to use the seal on a product only if the product has been certified by an accredited certification agent. Requires a food facility, as specified, with gross annual store sales of more than \$10,000,000 to prominently display, as defined, at least three or more "Non-Ultraprocessed Certified" items if the food facility offers for sale more than 25 certified items. Authorizes DPH, among other parties including public attorneys and private entities, to enjoin a food facility that fails to meet these requirements, as specified.

COMMENTS

The NOVA classification system characterizes foods based on their level of industrial processing, with four categories ranging from unprocessed/minimally processed foods to ultraprocessed food (UPF). The UPF category is characterized by food products that are formulations of ingredients, mostly of exclusive industrial use, that result from a series of industrial processes. Common examples of UPFs include confectionery, sodas, packaged breads and reconstituted meat products such as hot dogs.

A 2024 article published in the scientific journal *Foods* titled "UPF Intake and Increased Risk of Obesity: A Narrative Review" notes that UPF consumption correlates with adverse health outcomes, including but not limited to overweight, obesity, and hypertension and insulin resistance. The article further states that UPFs, prevalent in modern diets, contribute to nutritional deficiencies and excessive caloric intake, exacerbating obesity rates. Lifestyle factors such as busy schedules and quick meal management further drive UPF consumption, disrupting hunger regulation and promoting overeating.

AB 1264 (Gabriel), Chapter 467, Statutes of 2025 defined UPFs, UPFs of concern, and restricted school foods as specified in existing law and further required DPH to promulgate regulations to define these terms considering specified factors by June 1, 2028.

Consumers and UPFs. The Environmental Working Group, the sponsors of this bill cite a 2025 report from the Food Integrity Collective and Linkage Research titled, "Disconnected: Understanding the Gaps Between Consumer Intentions and Actions on Ultra-Processed Foods (2025)," which found that 72% of Americans are trying to reduce their UPF intake, yet fewer than half could correctly identify common ultra-processed products.

United States Department of Agriculture (USDA) Organic Label. According to the author, this bill is modeled after the USDA Organic Label. The USDA Organic label indicates that a product meets federal standards for organic farming and processing, including agricultural production practices that foster resource cycling, promote ecological balance, maintain and improve soil and

water quality, minimize the use of synthetic materials, and conserve biodiversity. Organic product labels are required to be reviewed and approved by a USDA-accredited certifying agent before being used in the marketplace.

Impact of Nutrition Labels on Retail Costs. An article published on the University of Georgia's website titled "Impact of food nutrition labels on retail pricing and consumer purchasing", highlighted research on sales of yogurt sold by stores who had adopted NuVal labels (which assigned scores describing the healthfulness of a product) and found that retailers increased prices for healthier products (products with higher NuVal scores).

What does this bill do? This bill does two key things. First, this bill establishes a process overseen by DPH where food manufacturers could apply to accredited certification agents to use a not ultra-processed label on their packaging, thereby indicating that a product is not a UPF as defined in state law. Second, this bill requires grocery stores in California to prominently display products with the not ultra-processed seal in a prominent location, with flexibility in identifying such a location. The enforcement mechanism for both of these provisions is to allow specified entities to pursue injunctive relief through the courts. The specified entities include DPH; the Attorney General, county counsel, city attorney, or city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California; and, a consumer, business entity, or non-profit organization.

Please see the Assembly Committee on Health analysis for additional background.

According to the Author

This bill would establish a "Not Ultraprocessed" seal that food manufacturers could place on products that meet clear standards for not being ultra-processed. Modeled after the "USDA Organic" label, the seal would provide consumers with a simple, trustworthy way to identify healthier options with a quick glance. The author further notes that this bill would require grocery stores in California to feature products bearing the seal in a prominent, high-traffic area of the store, thereby making it easier for busy families to locate healthier foods quickly and conveniently. The author concludes that ultimately, parents shouldn't need a Ph.D. to understand what they're feeding their kids, and this bill will empower consumers with clear, trustworthy information and make it easier for them to find foods that are free from harmful additives.

Arguments in Support

The Environmental Working Group (EWG) is the sponsor of this bill and states in support that right now, consumers in California have no practical way to identify UPFs at the grocery store, even when they are actively trying to avoid them. EWG continues that consumers want to make better choices, but the information they need is not available to them at the point of purchase. EWG continues that this bill builds on AB 1264's first-in-the-nation UPF definition and creates a voluntary seal administered through DPH-accredited third-party agents, backed by a public product registry, and enforceable by the Attorney General. EWG states that under this bill, no manufacturer is required to participate, and the preferred placement requirement applies only to large retailers already carrying more than 25 certified items. EWG states that unlike existing private certification programs, which operate without government oversight, this seal carries the force of state law and the accountability of a government-backed standard. EWG concludes that the seal is the trusted, reliable signal that consumers need.

Arguments in Opposition

The California League of Food Producers (CLFP) opposes this bill, stating its most fundamental concern is that this bill builds on a definitional foundation that has not yet been established. CLFP notes that AB 1264 directed DPH to adopt regulations defining "UPFs of concern" and "restricted school foods" by June 1, 2028, the same deadline by which this bill would require certification agents to be accredited and operational. CLFP is concerned that a certification system will be in place before the underlying definitions it depends on have been established through a transparent rulemaking process. Additionally, as noted in CLFP's opposition to AB 1264, the broad definition of "ultraprocessed" risks capturing foods that are widely regarded as healthy and nutritious. CLFP highlights concerns with the preferred placement provisions, including that not all qualifying products will receive the same priority or treatment from retailers and many healthy, protein-rich items such as dairy, produce, frozen vegetables and meat products will have limited exposure, as these items require refrigeration or frozen display cases that are not available in the "prominent locations" that this bill contemplates. Many of these products would qualify for the California Certification yet would be unable to access the benefit the bill is designed to provide.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, costs to DPH of an unknown amount, potentially hundreds of thousands of dollars or more, one-time, to develop a process and standards for accrediting certification agents to certify products as "Non-Ultraprocessed Certified," create a seal, and possibly adopt regulations. DPH would also incur ongoing costs, possibly low hundreds of thousands of dollars per year, to maintain the accreditation program (General Fund). The Department of Justice anticipates no costs associated with this bill. However, this bill allows private entities to enjoin a food facility that does not meet the display requirements in this bill, creating potential cost pressures to the courts of an unknown amount to adjudicate any additional filings. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26. The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

VOTES**ASM HEALTH: 16-0-0**

YES: Bonta, Chen, Addis, Aguiar-Curry, Ahrens, Caloza, Carrillo, Mark González, Johnson, Patel, Patterson, Rogers, Sanchez, Schiavo, Sharp-Collins, Stefani

ASM APPROPRIATIONS: 13-2-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta

NO: Dixon, Tangipa

UPDATED

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CONSULTANT: Eliza Brooks / HEALTH / (916) 319-2097

FN: 0002971