SENATE COMMITTEE ON HEALTH
Senator Akilah Weber Pierson, Chair

BILL NO: AB 2244
AUTHOR: Gabriel
VERSION: May 21, 2026
HEARING DATE: June 24, 2026
CONSULTANT: Vincent D. Marchand

SUBJECT: Non-Ultraprocessed Certified food standard

SUMMARY: Establishes a process for the California Department of Public Health (CDPH) to accredit certification agents that can certify food products as "Non-Ultraprocessed Certified" (Non-UPF Certified), and requires CDPH to create a standardized seal for these certified food products. Requires grocery stores with more than $10 million in gross annual sales to make at least three or more items that are Non-UPF Certified clearly identifiable, with regard to their display in the grocery store, if the grocery store offers for sale more than 25 Non-UPF Certified items.

Existing law:

1) Enacts the Sherman Food, Drug and Cosmetic Law, enforced by 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) Defines "ultraprocessed food (UPF)," for purposes of food intended to be served or sold in schools, as any food or beverage that contains a substance that has one of eight FDA-defined technical effects, as specified, and that has either higher amounts of saturated fat, sodium, or added sugar, or contains a nonnutritive sweetener or other sugar substitute, as specified. Excludes certain food products from this definition, including Class 1 milk, alcoholic beverages, medical foods, and infant formula. [HSC §104661]

3) Defines "UPFs of concern," for purposes of food intended to be served or sold in schools, as a food product that is a UPF, and that is determined by regulations adopted by CDPH to be of concern, based on specified factors, including whether it contains a substance linked to health harms or adverse health consequences. Requires these regulations to be adopted by June 1, 2028. [HSC §104662(a)(2)]

4) Defines "restricted school foods," for purposes of food intended to be served or sold in schools, as a food or beverage that contains a substance that has one of the eight FDA-defined technical effects but does not meet the definition of a UPF because it is not high in fat, sodium, or added sugar, but is restricted from being sold in schools because the it has been determined by regulations adopted by CDPH to be of concern. Requires these regulations to be adopted by June 1, 2028. [HSC §104662(a)(1)]

5) Requires, no later than July 1, 2029, schools to begin to phase out UPFs of concern and restricted school foods, and by July 1, 2032, prohibits a vendor from offering UPFs of concern or restricted school foods to a school. [HSC §104664]

6) 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; or,
   d) Red dye 3. [HSC §109025]

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.]

This bill:

1) Requires CDPH, no later than June 1, 2028, to accredit certification agents that can certify products as "Non-Ultraprocessed Certified" ("Non-UPF Certified) pursuant to this bill.

2) Prohibits an accredited certification agent from certifying a product as Non-UPF Certified if it is classified as any of the following:
   a) A UPF, as defined in existing law;
   b) A UPF of concern, as defined in existing law; or,
   c) A restricted school food, as defined in existing law.

3) Requires a product to be recertified as Non-UPF Certified at least every three years.

4) Requires an applicant for certification, if a product using the Non-UPF Certified seal is reformulated, to submit an application to the accredited certification agent within 30 days for recertification of the reformulated product.

5) Requires CDPH to create a standardized seal that is permitted to incorporate both of the following:
   a) The phrase "Non-Ultraprocessed Certified Food Standard;" and,
   b) Images and themes association with California and health, nutritious whole foods.

6) Restricts the use of the Non-UPF Certified seal on a product to only those products that have been certified by an accredited certification agent.

7) Permits the Non-UPF Certified seal to be placed on the principal display panel, the information panel, or elsewhere on the package, provided that the seal does not obscure other required information, such as the nutrition facts panel or the statement of identity.

8) Requires an accredited certification agent to do all of the following:
   a) Register with CDPH on a form provided by CDPH;
   b) Annually renew the registration, unless the certification agency is no longer engaged in certifying products under this bill; and,

   c) Provide a list to CDPH of all the products certified by the accredited certification agent.

9) Requires any registration information submitted by an accredited certification agent to CDPH to be made available to the public for inspection and copying.

10) Requires an accredited certification agent that certifies Non-UPF Certified products to immediately make the following records available for inspection by CDPH, or provide copies within three business days of a request by CDPH, or within a reasonable time exceeding three business days as determined by CDPH:
   a) Records obtained from applicants for certification of a product; and,
   b) Records created by the accredited certification agent regarding applications for certification of a product.

11) Permits CDPH to audit the accredited certification agent's certification procedures and records at any time, but requires any records of the accredited certification agent not otherwise required to be disclosed to be kept confidential by CDPH.

12) Requires CDPH to maintain a webpage that lists all of the products currently certified as Non-UPF Certified as reported by the accredited certification agent.

13) Permits CDPH to adopt any regulations as are reasonably necessary to assist in the implementation of, or to make more specific, the provisions of this bill related to the certification of Non-UPF foods.

14) Deems the following actions as unlawful:
   a) For a person to certify products as Non-UPF Certified unless duly registered as an accredited certification agent;
   b) For a person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed, in registration as an accredited certification agent;
   c) For a person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclose to an accredited certification agent; and,
   d) For a person to use the Non-UPF Certified seal on a product that does not meet the requirements of this bill.

15) Permits a person who engages in the misuse of the Non-UPF Certified seal to be enjoined in a court by any of the following:
   a) CDPH;
   b) The Attorney General, county counsel, city attorney, or city prosecutor in a city having a full-time city prosecutor; or,
   c) A consumer, business entity, or non-profit organization.

16) Specifies that a violation of the above provisions is not subject to existing criminal penalties for violations of the Sherman Law.

17) Requires a food facility to make clearly identifiable at least three or more items that are Non-UPF Certified if the food facility offers for sale more than 25 Non-UPF Certified items.

18) Defines "food facility," for purposes of the requirement in 17) above, as an operation where food is consumed on or off the premises, regardless of whether there is a charge for the food,

excluding restaurants or other types permanent and nonpermanent retail food facilities, as specified, and that has more than $10 million in gross annual sales.

19) Defines "clearly identifiable," for purposes of the requirement in 17) above, as a manner of offering a product for sale on a display unit or within a retail setting that allows a reasonable consumer to readily distinguish the product from other products, including through physical separation, signage, or other visual cues.

20) Permits a food facility that fails to meet the requirement in 17) above to be enjoined in court by the Attorney General, county counsel, city attorney, or city prosecutor in a city having a full-time city prosecutor. Specifies that this violation is not subject to existing criminal penalties for violations of the California Retail Food Code.

21) Deems a food facility to be in compliance with the requirement in 17) above if it demonstrates that it has made a good faith effort to comply and has implemented reasonable policies, procedures, or employee training designed to achieve compliance. Prohibits de minimis or isolated instances of noncompliance that occur despite good faith efforts, from constituting a violation of the requirement.

22) Sunsets the provisions of this bill relating to food facilities making certified products "clearly identifiable" on January 1, 2040.

FISCAL EFFECT: According to the Assembly Appropriations Committee, costs to CDPH 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-UPF Certified,″ create a seal, and possibly adopt regulations. CDPH 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.

PRIOR VOTES:

Assembly Floor:	74 - 0
Assembly Appropriations Committee:	13 - 2
Assembly Health Committee:	16 - 0

COMMENTS:

1) *Author's statement.* According to the author, this bill would establish a Non-UPF 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. Additionally, the bill would require grocery stores in California to feature products bearing the seal in a display, thereby making it easier for busy families to locate healthier foods quickly and

conveniently. Ultimately, parents shouldn't need a Ph.D. to understand what they're feeding their kids, and this new law will empower consumers with clear, trustworthy information and make it easier for them to find foods that are free from harmful additives.

2) *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) *Group 1: unprocessed or minimally processed foods.* Minimally processed foods are natural foods (from plants, or from animals, including muscle, eggs, and 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) *Group 2: 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) *Group 3: 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) *Group 4: UPFs.* 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 include 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.

   AB 1264 (Gabriel, Chapter 467, Statutes of 2025) establishes 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. The definition of UPF includes eight of these technical effects that are considered by the proponents of AB 1264 and 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 do not meet the definition of nonnutritive sweeteners because they still contain some calories, but are used as sugar substitutes.

3) *The formulas for determining whether a food is high in saturated fat, sodium, or sugar are 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. Rather than basing this determination on meeting a certain percentage of the recommended daily allowance (RDA), 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 four calories: if a food product is 100 calories, it can have no more than 2.5 grams of sugar (2.5x4=10 calories, which is 10% of 100). Similarly, a gram of saturated fat is equal to 9 calories: 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.

4) *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. 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. 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 of UPF 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.

5) *Restricted school foods will be determined at a later date by a regulatory process.* In addition to foods designated as UPF, this bill also prohibits products from being Non-UPF Certified if they are "restricted school foods." (This bill also prohibits certification of "UPFs of concern" from AB 1264, but UPFs of concern already come from the universe of UPFs.) Restricted school foods were included in AB 1264 last year to capture foods that have one or more of the additives in the first prong of the definition of UPF, 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. Unlike the definition of UPF, which is a statutory definition, the list of restricted school foods will be determined pursuant to regulations adopted by CDPH, just like the "UPFs of concern" targeted by AB 1264.

   Because the definition of UPF is statutory, the Non-UPF certification process can start without waiting for regulations. However, because we will not know what are considered "restricted school foods" until CDPH promulgates regulations, it is possible a product could be approved as "Non-UPF Certified," and then later lose this eligibility as a result of the product being included in the list of restricted school foods.

6) *Based on certified organic program.* The author states that this bill is modeled on the California Organic program. Under the California Organic Food and Farming Act, any certification agency that certifies products in California sold as organic is required to register with the Department of Agriculture, including paying an annual registration fee. Similar to this bill, a certification agency that certifies organic products is required to make records available for inspection. All products sold as organic in California are required to be certified by an accredited certifying agent.

7) *Other Non-UPF programs.* There are at least two existing programs that provide seals for food products to indicate that the product is "non-UPF:" Non-UPF Verified, which is a project under the umbrella of the Non-GMO Project and its Food Integrity Collective; and, WISEcode Non-UPF Shield.

8) *Non-UPF Verified.* The Non-GMO Project started in 2007, and in 2025 launched the Non-UPF Verified program. They published their Non-UPF Standard on January 21, 2026, which

is a 30 page document detailing standard criteria and requirements for verification as Non-UPF Verified. This standard includes processing methods, which is something that the definition of UPF in California law used by this bill does not cover. There is some overlap in the list of ingredients that would exclude a product from being considered Non-UPF, such as non-nutrititive sweeteners, and thickeners and texturizers, but also some prohibited products not captured by the definition used by this bill, such as certain refined oils.

9) *WISEcode*. On May 4, 2026, WISEcode launched "Non-UPF Shield," a verification program for brands, and a redesigned WISE Code UPF Detector mobile app. Both are powered by an artificial intelligence classification system that relies on an ingredient database and a proprietary automated review system.

10) *Double referral.* This bill is double referred. Should it pass out of this Committee, it will be referred to the Senate Judiciary Committee.

11) *Prior legislation.* AB 1264 (Gabriel, Chapter 467, Statutes of 2025) enacts the Real Food, Healthy Kids Act to reduce the consumption of UPFs by California children by: defining UPFs intended to be sold or served in schools; establishing a regulatory process for 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 to schools by vendors as of July 1, 2032, and prohibited from being served or sold in schools by July 1, 2035.

AB 2316 (Gabriel, Chapter 914, Statutes of 2024) prohibits 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) 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: 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 California Department of Education (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. SB 347 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.*

12) *Support.* This bill is sponsored by the Environmental Working Group, and is joined in support by a large coalition. Supporters state that this bill builds on California's first-in-the-nation definition of UPFs and creates a voluntary Non-UPF Certified seal that gives consumers a clear, trusted way to identify healthier food options for their families. According to supporters, UPFs now make up more than half of all calories consumed by adults in the U.S., and nearly two-thirds of the calories consumed by children. Consumers want to make better choices, but they do not have practical information at the point of purchase. Supporters point to a 2025 national survey that found that 72% of Americans are trying to reduce their UPF intake, yet fewer than half could correctly identify common UPF products. A separate study of more than 50,000 products at Walmart, Target, and Whole Foods found that most offerings across all three stores fell in the UPF category. This bill creates a voluntary certification program administered through CDPH-accredited third-party agents, backed by a public product registry and enforceable by the Attorney General. No manufacturer is required to participate, and a requirement that the product display is clearly identifiable only applies to large retailers that carry more than 25 certified items. Unlike private certification programs that operate without government oversight, this bill establishes a clear, accountable, state-backed standard.

13) *Opposition.* The Consumer Brands Association, the California Manufacturers & Technology Association, the Food Ingredient Safety Coalition, and the Calorie Control Council submitted a joint letter of opposition, stating that this bill is premature, would create consumer confusion, and would distort the marketplace. This group notes this bill creates a state-backed Non-UPF Certified seal at a time when private certification already serves this purpose, pointing to the Non-UPF Program and WISEcode, which already certify Non-UPF foods nationwide. Consumers already encounter a wide range of certifications and claims in the marketplace, including California Grown, organic, non-GMO, and Fair Trade, many administered by nonprofit or independent third parties. California should not single out one processing-based standard, attach a California-branded seal to it, and imply a unique level of state endorsement. This group states that certification under this bill turns in part on whether a product is classified as a UPF of concern or a restricted school foods, terms that CDPH is not required to define by regulation until June 1, 2028, and has not even begun the rulemaking. These opponents also note that the definition this bill relies on were enacted for school nutrition, a narrow context never intended for the general food supply. Because that definition excluded alcoholic beverages from the definition of UPF, a spirit or flavored malt

beverage could carry the states Non-UPF Certified seal, while a low-fat, low-calorie yogurt sweetened with a nonnutritive sweetener, or a packaged salad whose dressing pairs a common emulsifier with added sugar, could be denied it. The opponents state that this bill authorizes anyone to seek an injunction over an alleged misuse of the seal, and given the close similarity between this seal and the existing national Non-UPF seal, there is a meaningful risk of litigation arising from consumer confusion between the two. Finally, according to the opponents, the FDA and United States Department of Agriculture are actively developing a federal definition of UPF, and no single, universally accepted definition exists today. Because private programs are not codified in statue, they can adapt as federal guidance evolves. By contrast, anchoring a California seal to a state-specific definition would require legislative action to realign.

The California League of Food Producers, the California Chamber of Commerce, and the Dairy Institute of California also jointly wrote in opposition, making similar arguments. The broad definition of UPF risks capturing foods that are widely regarded as healthy and nutritious, and states the part of the definition tying in foods that have high amounts of saturated fat, sodium, or added sugars could impact foods like cheeses, even though it is widely recognized as a healthy source of protein, calcium, and other essential nutrients.

The Non-GMO Project states in opposition that they are a California nonprofit corporation with more than 20 years of experience in food certification and the operator of Non-UPF Verified, the nation's leading independent certification for non-UPF foods. The Non-GMO project notes that they are not observers of this issue, they are one of its practitioners, and have serious concerns about this bill. The Non-GMO Projects core concerns include that it duplicates an existing nonprofit certification (Non-UPF Verified); it requires certification before definitions are finalized; it introduces litigation exposure and consumer confusion; and it establishes a non-UPF certification framework without requiring evaluation of actual processing methods.

14) *Technical amendment to define grocery store.* The provisions of this bill requiring a store with more than $10 million in gross annual sale to make Non-UPF Certified products clearly identifiable cross references to a definition of food facility in the California Retail Food Facility code, and then excludes restaurants and certain other food facilities. If the intention is to apply this requirement to grocery stores, there is an existing definition of grocery store that the author may wish to consider using to make this more clear:

b) (1) Upon the creation of the standardized seal pursuant to Section 110423.203, a ~~food facility~~ grocery store, as defined in paragraph ~~(1)~~ (3) of subdivision ~~(a)~~ (e) of Section ~~113789~~ 113948, with gross annual store sales of more than ten million dollars ($10,000,000) shall make clearly identifiable at least 3 or more items certified according to Article 5 (commencing with Section 110423.200) if the ~~food facility~~ grocery store offers for sale more than 25 certified items.
~~(2) For the purposes of this chapter, "food facility" does not include a restaurant or a facility listed in subdivision (b) of Section 113789.~~

SUPPORT AND OPPOSITION:

Support: Environmental Working Group (sponsor)
A Voice for Choice Advocacy
Active San Gabriel Valley
Alliance of Nurses for Healthy Environments

American Academy of Pediatrics, California
American Diabetes Association
American Heart Association
American Nurses Association/California
Breast Cancer Prevention Partners
California Chapter of the American College of Cardiology
California Grocers Association
California Medical Association
California Nurses for Environmental Health & Justice
California Podiatric Medical Association
Center for Ecoliteracy
Center for Environmental Health
Chef Ann Foundation
Children Now
Clean Earth 4 Kids
Consumer Federation of America
Consumer Reports
Crohn's and Colitis Foundation
Democrats of Rossmoor
Eat Real
Educate. Advocate.
End Chronic Disease
Families Advocating for Chemical & Toxics Safety
Farm Fatales
Food & Water Watch
Friends Committee on Legislation of California
Mamavation - Non-toxic Products for Healthy Families
San Francisco Bay Physicians for Social Responsibility
San Francisco Marin Medical Society
The Office of Kat Taylor
United Nurses Associations of California/union of Health Care Professionals
Wellness in the Schools, Inc.

Oppose: American Beverage Association
California Chamber of Commerce
California Fuels and Convenience Alliance (unless amended)
California League of Food Producers
California Manufacturers & Technology Association
California Retailers Association (unless amended)
Calorie Control Council
Civil Justice Association of California
Competere
Consumer Brands Association
Dairy Institute of California
Food Ingredient Safety Coalition
Non-GMO Project

-- END --