

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2244 (Gabriel)
Version: June 25, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
AM

SUBJECT

Non-Ultraprocessed Certified food standard

DIGEST

This bill requires the State Department of Public Health (CDPH) to accredit certification agents that can certify products as “Non-Ultraprocessed (UPF) Certified,” as provided. The bill would provide that certain records of an accredited certification agent are to be kept confidential by CDPH. Under the bill, CDPH, the Attorney General, a county counsel, a city attorney, or a city prosecutor in a city having a full-time city prosecutor may enjoin the misuse. A consumer, a business entity, or a non-profit may bring an action to enjoin a person who engages, has engaged, or proposes to engage in the misuse of the Non-Ultraprocessed Certified seal. The bill also requires a grocery store with gross annual store sales of more than \$10 million dollars to make clearly identifiable at least three or more items certified as Non-Ultraprocessed, as provided.

EXECUTIVE SUMMARY

This bill seeks to establish a California Non-UPF Certification program where certified foods can be certified through accredited certification agents. The program would be under the oversight of CDPH. The author and sponsor argue this will provide consumers reliable and truthful information about the ingredients in the food they are purchasing so they can make more informed choices regarding food with harmful additives.

This bill was previously analyzed by the Senate Health Committee – where it passed by a vote of 10 to 0 – regarding issues relating to the public health implications of the bill. This analysis is limited to the issues within this Committee’s jurisdiction – namely, the enforcement and limitation on access to public records implicated by the bill’s provisions. The bill also requires a grocery store with gross annual store sales of more than \$10 million dollars to make clearly identifiable at least three or more items certified as Non-Ultraprocessed. “Clearly identifiable” means the 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.

The bill is sponsored by the Environmental Working Group and supported by numerous public health advocacy organizations. The bill is opposed by the California Manufacturers & Technology Association, Calorie Control Council, Consumer Brands Association, and the Food Ingredient Safety Coalition. The bill passed out of the Senate Health Committee on a vote of 10 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Sherman Food, Drug, and Cosmetic Law (Sherman Law), which regulates the packaging, labeling, and advertising of food, drugs, medical devices, and cosmetics and is administered by the California Department of Public Health (CDPH). (Health & Saf. Code §§ 109875-111915.)
- 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. (Health & Saf. Code § 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. (Health & Saf. Code § 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 it has been determined by regulations adopted by CDPH to be of concern. Requires these regulations to be adopted by June 1, 2028. (Health & Saf. Code § 104662(a)(1).)
- 5) Requires schools, no later than July 1, 2029, to begin to phase out UPFs of concern and restricted school foods. By July 1, 2032, a vendor is prohibited from offering

UPFs of concern or restricted school foods to a school. (Health & Safe. Code § 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. (Health & Saf. Code § 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. (Ed. Code §§ 49431 et seq.)
- 8) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
 - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 9) Governs the disclosure of information collected and maintained by public agencies pursuant to the CPRA. (Gov. Code §§ 792.000 et seq.)
 - a) States that, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
 - c) Defines "public agency" as any state or local agency. (Gov. Code § 7920.525(a).)

- 10) Provides that all public records are open to inspection at all times during the office hours of a state or local agency and that every person has a right to inspect any public record, unless the record is exempt from public disclosure. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Gov. Code § 7922.525.)
- a) Some records are prohibited from being disclosed and other records are permissively exempted from being disclosed. (See e.g. Gov. Code §§ 7920.505 & 7922.200.)
 - b) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.).

This bill:

- 1) Requires CDPH to accredit certification agents that can certify products as "Non-Ultraprocessed Certified" (Non-UPF Certified) no later than June 1, 2028.
 - a) Requires any registration information submitted by an accredited certification agent to CDPH to be made available to the public for inspection and copying.
 - b) 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.
 - c) Authorizes CDPH to adopt any regulations as are reasonably necessary to assist in the implementation of, or to make more specific, the provisions related to the certification of Non-UPF.
- 2) 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.
- 3) 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.

- 4) Authorizes 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.
- 5) Makes the following actions 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 disclosed 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.
- 6) Authorizes 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, a county counsel, a city attorney, or a city prosecutor in a city having a full-time city prosecutor; or
 - c) A consumer, business entity, or non-profit organization.
- 7) Specifies that a violation of the above provisions is not subject to existing criminal penalties for violations of the Sherman Law.
- 8) Requires a grocery store with gross annual store sales of more than \$10 million 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.
 - a) A grocery store that fails to meet this requirement may be enjoined in any court of competent jurisdiction by the Attorney General, a county counsel, a city attorney, or a city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California.
 - b) A grocery store is deemed in compliance 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.
 - c) De minimis or isolated instances of noncompliance that occur despite good faith efforts, including temporary conditions resulting from restocking, customer handling, or ordinary store operations, do not constitute a violation.
 - d) This provision remains in effect only until January 1, 2040.

COMMENTS

1. Stated need for the bill

The author writes:

AB 2244 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. 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. Enforcement under the bill is limited to injunctive relief

The bill provides for enforcement through injunctive relief. Under the bill, a person who engages, has engaged, or proposes to engage in the misuse of the Non-UPF Certified seal may be enjoined in any court of competent jurisdiction. This action may be brought by the Attorney General, CDPH, a county counsel, a city attorney, or a city prosecutor in a city having a full-time city prosecutor. Additionally, consumers, business entities, and non-profit organizations are authorized to seek an action to enjoin the misuse of the Non-UPF Certified seal. The author and sponsor argue that this limited remedy will enhance the ability of the public to ensure the seal is not being misused, and that there is little concern that this process will be abused as there is no penalty or ability to receive attorney’s fees or costs under this remedy.

Opposition to the bill raises concerns regarding this enforcement mechanism, stating, “AB 2244 authorizes any consumer, business entity, or nonprofit organization to seek an injunction over alleged misuse of the seal. Given the close similarity between this seal and the existing national “Non-UPF” label, there is a meaningful risk of litigation arising from consumer confusion between the two.”

The bill also provides that a grocery store can be enjoined for the display requirements under the bill, but solely in an action brought by the Attorney General, a county counsel, a city attorney, or a city prosecutor in a city having a full-time city prosecutor.

3. Confidentiality of public records under the bill

Access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.) In 2004, the

right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election), which amended the California Constitution to specifically protect the right of the public to access and obtain government records: “The people have the right of access to information concerning the conduct of the people’s business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny.” (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election) to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless exempted from disclosure. (Gov. Code § 7922.252.) A public record is defined as any writing containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public’s interest in disclosure outweighs the public’s interest in non-disclosure of the information. (CBS, Inc. v. Block (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (see Gov. Code § 7924.110(a).)

The bill provides findings and declarations regarding the need for this limitation on the access to public records, stating it is necessary to protect confidential and proprietary business information, including, but not limited to, trade secrets; any records of the accredited certification agent not otherwise required to be disclosed by CDPH. In light of the nature of the information shared with CDPH, this limitation on the access to public records seems warranted.

4. Stakeholder statements

A support coalition made up of numerous public health advocacy organizations including the sponsor of the bill, writes:

Decades of peer-reviewed research have linked high consumption of UPFs to serious chronic diseases, including cancer, cardiovascular disease, Type 2 diabetes, metabolic disorders, dementia, and reproductive harm. 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.

UPFs are not merely processed foods. They are often engineered with industrial ingredients and additives to trigger the brain's reward system, override fullness signals, and promote overconsumption. Experts estimate that 14% of adults and 12% of children meet criteria for UPF addiction - rates comparable to alcohol and tobacco.

Consumers want to make better choices, but they do not have practical information at the point of purchase. A 2025 national survey found that 72% of Americans are trying to reduce their UPF intake, yet fewer than half could correctly identify common ultra-processed 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 ultra-processed category.

AB 2244 creates a voluntary certification program administered through CDPH-accredited third-party agents, backed by a public product registry and enforceable by the Attorney General. [...]

Unlike private certification programs that operate without government oversight, AB 2244 establishes a clear, accountable, state-backed standard. The "Non-Ultraprocessed Certified" seal gives families a simple and reliable signal when they are trying to choose less processed foods.

The opposition writes with various concerns and issues with the bill, including the enforcement mechanism of the bill described above in Comment 2. Specifically, they believe the bill is premature, stating certification:

turns in part on whether a product is classified as an “ultraprocessed food of concern” or a “restricted school food” (Health & Safety Code § 104662) — terms the Department is not required to define by regulation until June 1, 2028, through a rulemaking it has not yet begun. Critically, that is the very same date by which AB 2244 directs the Department to accredit certification agents. The bill thus requires the certification program to be operational on the same day the governing standard is finalized, leaving no period in which a settled definition exists before products must be certified against it.

They argue the bill relies on definitions that were created for school nutrition, and that applying this definition to a broader context of foods undercuts the public policy this bill seeks to address arguing that the:

definitions this bill relies on were enacted for school nutrition through AB 1264 (the Real Food, Healthy Kids Act) — a narrow context never intended for the general food supply. Lifted into a marketplace-wide certification, they produce results that undercut the bill’s own health goals. Because Section 104661 expressly excludes alcoholic beverages from the definition of “ultraprocessed food,” a spirit or flavored

malt beverage could carry the state's "Non-Ultraprocessed 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. Anchoring a consumer-health certification to a school-nutrition framework inverts the very outcome the bill seeks.

They also raise concerns that the bill may be misaligned with standards being developed at the federal level regarding "ultraprocessed" foods. They write "anchoring a California seal to a state-specific definition would require legislative action to realign — a slow, cumbersome process that risks a regulatory patchwork and repeated reformulation and recertification burdens on manufacturers."

SUPPORT

Environmental Working Group (sponsor)
A Voice for Choice Advocacy
ActiveSGV
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
CA Chapter of the American College of Cardiology
California Medical Association (CMA)
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
Crohns and Colitis Foundation
Democrats of Rossmore
Eat Real
Ecology Center
Educate. Advocate.
End Chronic Disease
Facts Families Advocating for Chemical and Toxics Safety
Farm Fatales
Food & Water Watch
Friends Committee on Legislation of California

Indivisible Marin

Mamavation - Non-toxic Products for Healthy Families

Office of Kat Taylor

PSR SF Bay Chapter

San Francisco Marin Medical Society

The Office of Kat Taylor

Wellness in the Schools

OPPOSITION

California Manufacturers & Technology Association

Calorie Control Council

Consumer Brands Association

Food Ingredient Safety Coalition

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: AB 1264 (Gabriel, Ch. 467, Stats. 2025) established a multi-pronged definition to categorize whether foods intended to be sold or served in schools are UPF, as provided.

PRIOR VOTES

Senate Health Committee (Ayes 10, Noes 0)

Assembly Floor (Ayes 74, Noes 0)

Assembly Appropriations Committee (Ayes 13, Noes 2)

Assembly Health Committee (Ayes 16, Noes 0)
