
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2244 (Gabriel) - Non-Ultraprocessed Certified food standard

Version: June 25, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: HEALTH 10 - 0, JUD. 12 - 1

Mandate: Yes

Consultant: Agnes Lee

Bill Summary: AB 2244 would establish a regulatory process for the California Department of Public Health (CDPH) to accredit certification agents that can certify products as “Non-Ultraprocessed Certified.”

Fiscal Impact:

- Unknown ongoing General Fund costs, potentially hundreds of thousands, for the CDPH for state administration.
- The California Department of Justice anticipates a minor fiscal impact to the department.
- Unknown potential costs to local enforcement agencies related to requirements on grocery stores. Costs could be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.
- Unknown, potential workload costs to the courts to adjudicate cases seeking injunctive relief (Trial Court Trust Fund, General Fund). While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to increase the amount appropriated for trial court operations.

Background: State law requires schools, no later than July 1, 2029, to begin to phase out “ultraprocessed foods” of concern and restricted school foods. State law prohibits, by July 1, 2032, a vendor from offering ultraprocessed foods of concern or restricted school foods to a school. For these purposes, current law defines the following:

- “Ultraprocessed food” is any food or beverage that contains a substance that has one of eight U.S. Food and Drug Administration (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. Current law excludes certain food products from this definition, including Class 1 milk, alcoholic beverages, medical foods, and infant formula.
- “Ultraprocessed food of concern” is a food product that is an ultraprocessed food, 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. CDPH must adopt these regulations by June 1, 2028.

- “Restricted school food” is 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 an ultraprocessed food 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, based on specified factors. CDPH must adopt these regulations by June 1, 2028.

Proposed Law: Specific provisions of the bill would:

- Define “accredited certification agent” to mean an entity accredited by the CDPH to certify products as “Non-Ultraprocessed Certified” and define “Non-Ultraprocessed Certified” to mean a product that has been certified by an accredited certification agent.
- Require, no later than June 1, 2028, the CDPH to accredit certification agents that can certify products as “Non-Ultraprocessed Certified.”
- Prohibit an accredited certification agent from certifying a product as “Non-Ultraprocessed Certified” if it is classified as an ultraprocessed food, an ultraprocessed food of concern, or a restricted school food, as defined in existing state law.
- Require a product to be recertified as “Non-Ultraprocessed Certified” no less frequently than every three years.
- Require that if a product using the “Non-Ultraprocessed Certified” seal is reformulated, an applicant for certification of a product must submit an application to the accredited certification agent within 30 days for recertification of the reformulated product.
- Require CDPH to create a standardized seal, as specified; permit a person to use the “Non-Ultraprocessed Certified” seal on a product only if the product has been certified by an accredited certification agent; and permit the seal may 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.
- Require an accredited certification agent to register with the CDPH, as specified.
- Require CDPH to maintain a public internet webpage that lists all of the products currently certified as “Non-Ultraprocessed Certified” as reported by the accredited certification agent.
- Provide that it is unlawful for a person to:
 - Certify products as “Non-Ultraprocessed Certified” unless duly registered as an accredited certification agent.

- 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.
- Willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed to an accredited certification agent.
- Use the Non-Ultraprocessed Certified seal on a product that does not meet the provisions of this bill.
- Provide that a person who engages, has engaged, or proposes to engage in the misuse of the Non-Ultraprocessed Certified seal may be enjoined in any court of competent jurisdiction by any of the following:
 - The CDPH.
 - 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.
 - A consumer, business entity, or non-profit organization.
- Require, upon the creation of the standardized seal, a grocery store with gross annual store sales of more than \$10,000,000 to make clearly identifiable at least 3 or more items certified if the grocery store offers for sale more than 25 certified items; provide that a grocery store that fails to meet this requirement may be enjoined in any court of competent jurisdiction by 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 sunset this provision on January 1, 2040.

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