

CONCURRENCE IN SENATE AMENDMENTS

AB 2244 (Gabriel)

As Amended August 24, 2026

Majority vote

SUMMARY

Requires the State Department of Public Health (DPH), no later than June 1, 2029, to accredit certification agents that can certify products as "Non-Ultraprocessed Certified." Prohibits an accredited certification agent from certifying a *food* 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 *food product to bear the seal only* if the product has been certified by an accredited certification agent. Authorizes DPH, among other parties, including public attorneys and private entities, as specified, to enjoin a person who engages, has engages, or proposes to engage in the misuse of the seal. Requires a *grocery store* with gross annual store sales of more than \$10,000,000 to make clearly identifiable, as defined, at least three or more "Non-Ultraprocessed Certified" items if the *grocery store* offers for sale more than 25 certified items. Requires a *grocery store* to be deemed in compliance with this bill if it demonstrates that it has made a good faith effort to comply, as specified. *Repeals the provisions of this bill on January 1, 2040.*

Senate Amendments

- 1) Replace the reference to "food facility" with "grocery store", defined in existing law as a store (excluding gas stations and convenience stores) primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry and any area that is not separately owned within the store where food is prepared and served, including a bakery, deli, and meat and seafood counter.
- 2) Establish the Public Health Food and Nutrition Education Fund for the purposes of supporting the implementation of the "Non-Ultraprocessed Certified" label requirements and educating the public and stakeholders about the label requirements, food products, and nutrition. Authorize DPH to establish fees for the registration and renewal of accredited certification agents and certification of food at levels not exceeding the reasonable costs of administering and enforcing these provisions.
- 3) Repeal the provisions of this bill on January 1, 2040.

COMMENTS

Ultra Processed Foods (UPF). 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 make products with the non-ultraprocessed seal clearly identifiable, allowing a reasonable consumer to readily distinguish the products from other products including through physical separation, signage, or other physical cues. The enforcement mechanism for both of these provisions is to allow specified entities to pursue injunctive relief through the courts. Entities who can enjoin those who misuse the seal include DPH, the Attorney General (AG), 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. Entities who can enjoin *grocery stores* who fail to comply with this bill's requirements to make products clearly identifiable, as specified, include the AG, 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.

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 argues 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 highlights 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 asserts 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 Consumer Brands Association (CBA) opposes this bill and argues that this bill is premature, would create consumer confusion, and would distort the marketplace. CBA asserts that two programs already certify non-ultraprocessed foods nationwide without a state or geographic designation and offer additional consumer-facing tools such as product scanning and education for consumers and health care providers. CBA states that consumers also already encounter a wide range of certifications and claims in the marketplace, including California Grown, organic, non-GMO, Fair Trade, and regenerative agriculture standards, many of them administered by nonprofit or independent third parties. CBA maintains that this bill is premature by stating that certification turns in part on whether a product is classified as an "UPF of concern" or a "restricted school food," which DPH is not required to define by regulation until June 1, 2028, the same date by which this bill directs the DPH to accredit certification agents. Finally, CBA notes that the Food and Drug Administration and USDA are actively developing a federal definition of "ultraprocessed," and no single, universally accepted definition exists today and that 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.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) Unknown ongoing General Fund costs, potentially hundreds of thousands, for DPH for state administration.*
- 2) The California Department of Justice anticipates a minor fiscal impact. 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.*
- 3) 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.

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

ASSEMBLY FLOOR: 74-0-6

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Castillo, Hadwick, Lackey, Macedo, Celeste Rodriguez, Tangipa

UPDATED

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