

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON HEALTH
Mia Bonta, Chair
AB 2706 (Soria) – As Amended March 19, 2026

SUBJECT: Acidified foods and low-acid foods.

SUMMARY: Repeals existing law relating to the regulation of canneries and the existing cannery license and establishes a new framework to regulate the manufacture, processing, and packing of acidified foods and low-acid foods. Specifically, **this bill:**

- 1) Repeals existing law 5) below establishing a license program for canneries and makes conforming changes with existing law.
- 2) Prohibits a person from engaging in the commercial manufacturing, processing, or packing of an acidified food or low-acid food, including any fish or fish product, or any meat or meat product, for the use or consumption by people or animals without a scheduled process obtained from a processing authority.
- 3) Deems an acidified food or low-acid food that is manufactured, processed, or packed by a person without a scheduled process obtained from a processing authority misbranded.
- 4) Prohibits a person from engaging in commercial manufacturing, processing or packing of an acidified food or low-acid food, including any fish or fish product, or any meat or meat product, for the use or consumption by people or animals without first being registered with the Department of Public Health (DPH).
- 5) Prohibits a person from placing on the label of any bottle, can, jar, carton, case, box, or barrel, or any other receptacle, vessel, or container of whatever material or nature that may be used by a packer, manufacturer, producer, jobber or dealer for enclosing any acidified food or low-acid food, including any fish or fish product, or any meat or meat product, any statement relative to the product having been inspected by DPH, unless the statement has been approved in writing by DPH.
- 6) Requires a person who manufactures, processes, or packs any acidified food or low-acid food in violation of this bill to pay DPH reasonable costs of inspection and any laboratory examination, as determined by DPH, that were necessary to ascertain that the embargoed product was packed in violation of this bill. Requires costs paid to DPH pursuant to this bill to be deposited into the Food Safety Fund.
- 7) Requires every person engaged in the manufacture, packing, or holding of an acidified food or low-acid food in this state required to have a scheduled process to pay three hundred fifty dollars (\$350) annually in addition to their annual registration fee paid pursuant to existing law. Requires revenue from this additional \$350 fee to be deposited into the Food Safety Fund.
- 8) Requires all moneys collected by DPH pursuant to 7) above to be deposited into the fund for use by DPH upon appropriation by the legislature for the purpose of conducting inspections

and reviews of facilities that manufacture, pack, or hold an acidified food or low acid-food required to have a scheduled process.

- 9) Defines the following for purposes of this bill:
- a) “Scheduled process” to mean the process selected by the processor as adequate under the conditions of manufacture for a given product to achieve commercial sterility or for use under the conditions of manufacture for a food in achieving and maintaining a food that will not permit the growth of microorganisms having public health significance.
 - b) “Acidified food” to mean a shelf-stable low-acid food to which acid or acid food is added and packaged within a hermetically sealed container with a finished equilibrium pH of 4.6 or below and a water activity greater than 0.85.
 - c) “Low-acid food” to mean a shelf-stable food, other than an alcoholic beverage, packaged in a hermetically sealed container with a finished equilibrium pH greater than 4.6 and a water activity greater than 0.85. Excludes from the definition of “Low-acid food” a tomato or tomato product with a finished equilibrium pH of less than 4.7
 - d) “Processing authority” to mean a person who has both of the following:
 - i) Expert knowledge of thermal processing requirements for low-acid foods packaged in hermetically sealed containers with adequate facilities for making those determinations or expert knowledge in the acidification and processing of acidified foods. Specifies that “determinations” include evaluating the overall effectiveness of a scheduled process to produce a safe product and using validated procedures to determine if deviations from a validated scheduled process create a risk to public health that require subsequent mitigation; and,
 - ii) Expertise sufficient to make determinations for purposes of existing federal law 3) and 4) below.

EXISTING LAW:

State Law

- 1) Establishes the Sherman Food, Drug, and Cosmetic Law (Sherman Law), under the administration and enforcement of DPH, provides for the regulation of various subjects relating to the manufacturing, processing, labeling, advertising, and sale of food, drugs, and cosmetics. [Health and Safety Code (HSC) § 109875, *et seq.*]
- 2) Requires a person who violates the Sherman Law or regulations adopted pursuant to the Sherman Law, if convicted, to be subject to imprisonment for not more than one year in a county jail or a fine of not more than one thousand dollars (\$1,000), or both the imprisonment and fine. [HSC § 111825]
- 3) Makes it unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any food that is misbranded. [HSC § 110760]
- 4) Prohibits a person from manufacturing, packing, or holding any processed food in this state unless the person has a valid registration from DPH, except as specified. [HSC § 110460]

- 5) Establishes the existing framework for the licensure of canneries, requiring persons engaging in the commercial canning of salmon, or in the commercial canning of any fish or fish product, meat or meat product, or any other food product for the use of man or animal, the sterilization of which in the opinion of DPH requires the use of a pressure cooker or a retort, to obtain a license from DPH. [HSC § 112650, *et seq.*]
- 6) Makes it a misdemeanor for any person to engage in the noncommercial canning of salmon, or in the commercial canning of any fish or fish product, meat or meat product, or any other food product for the use of man or animal, the sterilization of which in the opinion of DPH requires the use of a pressure cooker or a retort, without first obtaining a license from DPH. [HSC § 112750]
- 7) Requires DPH to issue an annual license to any person on the receipt of a specified fee and evidence showing the applicant is in compliance with DPH's sanitary requirements. [HSC § 112755]
- 8) Establishes the Cannery Inspection Board to estimate specified costs for inspection and laboratory control, subject to approval by DPH. [HSC § 112700]
- 9) Establishes the Cannery Inspection Fund for the receipt of moneys received to be deposited in the fund and expended by DPH, upon appropriation by the Legislature, for the purposes of carrying out and implementing the Cannery Law. [HSC § 112845]
- 10) Prohibits any provision in the Sherman Law from relieving a person who has a valid registration to manufacture, pack, or hold processed food issued by DPH from any other requirements for licensure, registration, or certification, as specified. Requires the registration fee due to DPH under these provisions from a person who holds one or more licenses, registrations, or certificates issued by DPH to be the fee for the single highest cost license, registration, or certificate only. Requires cannery inspection fees and organic processed food registration fees to be in addition to any registration fees that may be collected under these provisions. [HSC § 110474]
- 11) Establishes the Food Safety Fund as a special fund in the State Treasury. Requires all moneys collected by DPH from specified fees, or awarded to DPH pursuant to court orders or settlements for the use of food safety-related activities, to be deposited in the fund, for use by DPH, upon appropriation by the Legislature, for the purposes of providing funds necessary to carry out and implement the inspection provisions of this part relating to food, licensing, inspection, enforcement, and other provisions relating to water, the education and training in the prevention of microbial contamination and the registration provisions of California Organic Food and Farming Act, and the California Retail Food Code. [HSC § 110050]

Federal Law

- 1) Establishes the Food, Drug and Cosmetic Act (FDCA) which provides for the regulation of various subjects relating to the processing, labeling, advertising, and sale of food, drugs, and cosmetics, including dietary supplements, enforced by the federal Food and Drug Administration (FDA). [21 United States Code (USC) § 301, *et seq.*]
- 2) Requires domestic and foreign facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States to register with FDA. [21 USC § 350d]

- 3) Requires scheduled processes for low-acid foods to be established by qualified persons having expert knowledge of thermal processing requirements for low-acid foods in hermetically sealed containers and having adequate facilities for making such determinations. Requires critical factors that may affect the scheduled process to be specified in the scheduled process. Requires complete records covering all aspects of the establishment of the process and associated incubation tests to be prepared and permanently retained by the person or organization making the determination. [Title 21, Code of Federal Regulations (CFR) § 113.83]
- 4) Requires, whenever any process is less than the scheduled process or critical factors are out of control for any low-acid food or container system, the commercial processor of that low-acid food to either fully reprocess that portion of the production involved or set aside that portion of the product involved for further evaluation as to any potential public health significance by a competent processing authority. Requires, unless this evaluation demonstrates that the product had been given a thermal process that rendered it free of microorganisms of potential public health significance, the product set aside to be either fully reprocessed to render it commercially sterile or destroyed. Requires a record to be made of the evaluation procedures used and the results. [Title 21, CFR § 113.89]
- 5) Requires facilities to identify and evaluate known or reasonably foreseeable hazards for each type of food manufactured, processed, packed, or held at their facility to determine whether there are any hazards requiring a preventive control. [Title 21, CFR § 117.130]
- 6) Requires facilities to implementation of risk-based preventive controls (process, food allergen, sanitation, etc.). [Title 21, CFR § 117.135]
- 7) Establishes supplier verification requirements when a hazard is controlled upstream. [Title 21, CFR §§ 117.405–117.475]
- 8) Requires facilities to have a written food safety plan developed and overseen by a preventive controls qualified individual. [Title 21, CFR §§ 117.126–117.180]

FISCAL EFFECT: Unknown. This bill has not been analyzed by a fiscal committee.

COMMENTS:

- 1) **PURPOSE OF THIS BILL.** According to the author, the Cannery Inspection Program (established in 1925), administered by DPH regulates the commercial manufacturing and packing of low-acid and acidified foods, which are susceptible to the growth of *Clostridium botulinum*, the bacterium that produces the deadly botulinum toxin. The author states that while the fundamental goal of ensuring food safety remains, some of the original elements of the Cannery Law are no longer necessary due to a number of factors, including the establishment of more comprehensive federal food safety laws like the Food Safety Modernization Act (FSMA). The author continues that all food processors are required to comply with FSMA, however, only processors located within California are required to comply with the California Cannery Law penalizing those operating in California and discouraging new investment in food processing. The author states that this bill reflects a move towards a more modern and streamlined approach to food safety that is in harmony with federal standards. The author concludes that this bill is a collaborative work product between her office, the Governor's office, DPH and impacted industries to update the law in

a manner that continues to protect public health but reduce costs to those operating in California.

- 2) **BACKGROUND.** Scientists classify canned and processed foods based on characteristics that can affect their safety. Low acid foods are shelf-stable non-refrigerated foods, other than alcoholic beverages, with a finished equilibrium pH greater than 4.6 and a water activity (aw) greater than 0.85. Acidified foods are low-acid foods to which acid(s) or acid food(s) are added, and which have a finished equilibrium pH of 4.6 or below and a water activity (aw) greater than 0.85.

Examples of low acid foods include canned corn, green beans, mushrooms, potatoes, and most other vegetables. Examples of acidified foods, sometimes called "pickled foods," include many types of sauces, dressings, salsas, and pickles.

These foods are hermetically sealed, devoid of oxygen and generally stored without refrigeration. These conditions make these foods particularly susceptible to the growth of *C. botulinum* and the hazard of botulinum toxin if these foods are not properly processed. The botulinum toxin attacks the body's nerves, causing an illness called botulism which includes symptoms such as difficulty, breathing, muscle paralysis, and even death.

To help prevent the spread of food-borne botulism, low-acid foods are regulated at the state and federal level.

- a) **State Level Overview.** At the state level, these foods are regulated under DPH's Cannery Inspection Program, which was established in 1925. Food processors (Canneries) manufacturing these types of foods must comply with California and federal requirements and operate under a valid Cannery License that is renewed every year.

According to DPH's website, products made under the Cannery License must be processed under compliance with Official State Process Letters (sometimes referred to as an "S-Letter") in order to achieve commercial sterility, which means the elimination of pathogenic and spoilage microorganisms. Canneries engaged in general food processing activities, or in the manufacturing, packing, or holding (storing/warehousing) of foods that do not fall under acidified or low-acid foods, must operate under a valid Processed Food Registration (PFR).

Canneries that manufacture acidified and/or low-acid foods, and maintain a valid PFR License, are not required to pay for Cannery Application/Renewal fees; however, canneries must pay all costs associated with cannery inspections.

Federal Level Overview. Federal regulations enforced by the FDA including existing federal law 3) and 4) above require canneries to analyze hazards and have risk-based controls in place. This includes requiring qualified experts to establish plans (scheduled processes) to ensure the safety of products. If there are deviations from these scheduled processes, the processors must either fully reprocess that portion of the production involved, or set aside that portion of the production for an evaluation to detect public health hazards.

In 2010, Congress passed the FSMA. The FSMA enables the FDA to better protect public health by helping to ensure the safety and security of the food supply. FSMA requires

FDA to promulgate food safety rules that focus on preventing food safety issues rather than relying on detecting issues and reacting to them after they occur.

The FSMA's regulations pursuant to the Act require the identification and evaluation of known or reasonably foreseeable hazards, the implementation risk-based preventive controls, the establishment of supplier verification requirements when a hazard is controlled upstream, and the development of a written food safety plan overseen by a preventive controls qualified individual.

- b) Differing Requirements for In State and Out of State Processors.** Proponents of this bill provide information highlighting requirements for processors of aseptic milk (milk that is shelf-stable without refrigeration) for sale in California as example of where requirements for in state and out of state processors are not fully aligned. In terms of initial facility requirements, several requirements are the same whether a processor in state or out of state. All processors are required to do the following: have an FDA-approved third party process authority review and test their processing line design and specifications; have an FDA-approved third party submit their proposed design and specifications to the FDA for approval; have the California Department of Food and Agriculture (CDFA, or equivalent entity for out-of-state processors) perform interstate milk shipping inspection; have CDFA (or equivalent) seal their equipment; have CDFA (or equivalent) perform a full inspection of each line; and, have the FDA issue final approval.

However, a few of the requirements are different. In state processors are also required to have DPH perform an inspection of their processing line rendering, have DPH perform a physical inspection of the facility, and have DPH approve the processing line and issue a permit. Out-of-state processors do not have to follow any of these requirements.

This bill would bring in state processors in line with out-of-state processors by removing these additional requirements and inspections.

Similarly, there are different ongoing maintenance requirements. All processors are required to have CDFA conduct traditional milk sampling, have the processor collecting line sampling, testing and recording data (subject to FDA auditing), have FDA perform spot inspections, and have the FDA review annual state inspection reports. In state processors are additionally required to have DPH conduct pathogen testing, whereas out of state processors do not. This bill would retain the requirement for CDFA to conduct pathogen testing. In state processors are also required to have DPH perform aseptic line sampling, testing, and recording daily, whereas out of state processors do not. This bill would remove this requirement.

The current cannery law and its additional requirements that out of state processors do not have to follow creates a competitive disadvantage for in-state processors. In place of the existing requirements, this bill repeals the cannery law and instead requires canneries to register with DPH and have a scheduled processed to ensure commercial sterility obtained from a processing authority with expert knowledge needed to ensure the safety of low-acid and acidified foods, along with continuing to follow all FDA requirements.

- 3) SUPPORT.** California Dairies, Inc. (CD) supports this bill, stating that this bill updates California's cannery regulatory framework to better align with modern food production

practices, strengthen public health protections, and reduce unnecessary regulatory burdens on businesses that produce low-acid and acidified foods such as milk, beverages, and other similar products. CD states that California's current Cannery Law framework is outdated, redundant in some instances to federal standards, and poorly matched to modern processing technologies and food safety systems. CD continues that this bill thoughtfully eliminates the application of the antiquated cannery licensing requirements for low-acid food processors and replaces them with a more appropriate framework that will enhance food safety by ensuring that processes are evaluated by qualified authorities with up-to-date expertise, thereby reducing public health risks without imposing needless duplicative licensing steps. CD continues that this bill will also promote regulatory clarity for manufacturers by aligning requirements with current industry practices and federal processing standards that already govern many of these products. CD concludes that this bill will reduce unnecessary regulatory costs for businesses, and support economic growth opportunities and competitiveness for California food manufacturers while protecting public health.

- 4) **PREVIOUS LEGISLATION.** AB 1038 (Gray) of 2013 would have required the California Dairy Future Task Force, previously established by the Secretary of Food and Agriculture and consisting of dairy producers, processors, and cooperatives, to be continued in existence in order to evaluate and make recommendations on various issues relating to the specific purpose of developing a stable economic environment for all California dairy producers and processors. AB 1038 would have required that funding for the task force, not to exceed \$500,000, be made available from assessment revenues paid to the secretary by handlers subject to a stabilization and marketing plan, subject to appropriation by the Legislature. AB 1038 died on the Assembly Inactive File.

REGISTERED SUPPORT / OPPOSITION:

Support

California Dairies, Inc.
California League of Food Producers
Niagara Bottling, LLC

Opposition

None on file

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