

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2706 (Soria) – As Amended March 19, 2026

Policy Committee: Health

Vote: 16 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill repeals existing law relating to the regulation of canneries, including the existing cannery license, and establishes a new regulatory framework for the manufacture, processing, and packing of acidified foods and low-acid foods.

Specifically, this bill:

- 1) Repeals existing statutes that established a license program for canneries and makes conforming changes.
- 2) 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 or 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 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: (i) expert knowledge of thermal processing requirements for low-acid foods with adequate facilities for making those determinations or expert knowledge in the acidification and processing of acidified foods, as specified, and (ii) expertise sufficient to make determinations for purposes of specified federal regulations.
- 3) 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.

- 4) Deems as misbranded 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.
- 5) 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 meat or meat product, for the use or consumption by people or animals without first being registered with the California Department of Public Health (CDPH).
- 6) Prohibits a person from placing on the container enclosing any acidified food or low-acid food any statement suggesting the product was inspected by CDPH unless CDPH has approved the statement in writing.
- 7) Requires a person who manufactures, processes, or packs any acidified food or low-acid food in violation of this bill to pay CDPH reasonable costs of inspection and any laboratory examination, as determined by CDPH, that were necessary to ascertain that the embargoed product was packed in violation of this bill, and requires such costs be deposited into the Food Safety Fund.
- 8) 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 \$350 annually in addition to their annual registration fee paid pursuant to existing law, and requires revenue from this additional \$350 fee to be deposited into the Food Safety Fund.
- 9) Requires all moneys collected by CDPH pursuant to item 8, above, be deposited into the fund for use by CDPH 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.

FISCAL EFFECT:

No state costs.

COMMENTS:

- 1) **Purpose.** According to the author:

[This bill] is a collaborative work product between my office, the Governor's office, [CDPH] 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.** The Cannery Inspection Program, which was established in 1925 and is administered by CDPH, 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. Canneries manufacturing these types of foods must comply with state and federal requirements and operate under a valid Cannery License that is renewed every year. Canneries engaged in general food processing activities, or in the manufacturing, packing, or holding of foods that are not acidified or low-acid foods, operate under a valid Processed Food Registration.

Some of the original elements of the Cannery Law are no longer necessary, due in part to the establishment of more comprehensive federal food safety laws like the Food Safety Modernization Act (FSMA), which applies to all food processors. However, only processors located within California are required to comply with the California Cannery Law, which includes some requirements that diverge from the FSMA. For example, state law requires CDPH perform an inspection of a food processing facility and the processing line, and issue a permit. Out-of-state processors are not subject to such requirements. For milk processing, in-state processors are required to have CDPH perform daily sampling, testing, and recording of the equipment that sterilizes and fills packages. This sampling requirement is repealed by this bill. The bill retains a requirement that CDPH conduct pathogen testing for in-state processors.

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