

CONCURRENCE IN SENATE AMENDMENTS

AB 2706 (Soria)

As Amended June 4, 2026

2/3 vote

SUMMARY

Repeals existing law relating to the regulation of canneries which requires persons engaging in the commercial canning of food products to obtain a license from the Department of Public Health (DPH). Prohibits a person from engaging in the commercial manufacturing, processing, and packing of acidified foods and low-acid food without first registering with DPH and obtaining a scheduled process (process to ensure commercial sterility or achieving and maintaining a food that will not permit the growth of microorganisms having public health significance) from a processing authority (person with expert knowledge of the processing of low-acid and acidified foods). 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 in accordance with this bill to be misbranded. Requires every person engaged in the manufacture, packing, or holding of an acidified food or low-acid food in this state who are required to have a scheduled process to pay a three hundred fifty dollar (\$350) annual fee, to be deposited into the Food Safety Fund for use by DPH upon appropriation by the legislature for the purpose of conducting inspections and reviews of these facilities, as specified.

Senate Amendments

- 1) Delete reference to "shelf stable" and specify that this bill does not apply to foods that are stored, distributed, and retailed under refrigeration;
- 2) Authorize the processing authority to be an independent third party retained by the processor and specify that the processing authority is not required to be affiliated with the processor or DPH;
- 3) Delete the definition of scheduled process within the bill and instead cross reference federal law and regulations which define a scheduled process and state legislative intent that this bill be interpreted and implemented in a manner consistent with applicable federal requirements, including specified federal regulations as those regulations may be amended from time to time;
- 4) Require DPH to administer and enforce this bill in a manner that does not conflict with and is consistent with those federal requirements; and,
- 5) Designate the Food Safety Fund as the successor fund for the cannery inspection fund.
Deletes specified fees associated with the existing cannery law.

COMMENTS

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.

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. 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. 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. Please see the Assembly Health Committee Analysis for additional background.

In place of the existing requirements, this bill repeals the cannery law and instead requires canneries to register with DPH and have a scheduled process 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 Food and Drug Administration (FDA) requirements.

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.

Arguments in 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 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.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, unknown ongoing costs, potentially over \$150,000, for DPH to administer the new program (Food Safety Fund); unknown increased fee revenues to support the costs of DPH administration; and unknown cost offsets from redirecting resources from the existing cannery inspection program.

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: 13-0-2

YES: Wicks, Hoover, Aguiar-Curry, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Tangipa

ABS, ABST OR NV: Arambula, Ta

ASSEMBLY FLOOR: 75-0-5

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, 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, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Flora, Gallagher, Celeste Rodriguez, Ta

UPDATED

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