

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON AGRICULTURE

Esmeralda Soria, Chair

AB 2779 (Committee on Agriculture) – As Introduced March 5, 2026

SUBJECT: Food labeling: quality dates, safety dates, and sell-by dates

SUMMARY: This bill would exempt dietary supplements from labeling requirement that requires food manufacturers, processors, and retailers responsible for the labeling of food items, beginning July 1, 2026, to use "BEST if Used by" to indicate quality, and "Use by" to indicate safety of a food item, and prohibits the use of the term "sell by."

EXISTING LAW:

Regulates milk and milk products and establishes standards for the manufacturing, handling, processing, and marketing of milk and milk products. (FAC 32501, 32731-32834)

Requires that there appear on the package or container of market milk, market cream, and other milk products made from market milk or any component or derivative of market milk the date established by the processor as the date on which, in order to ensure consumer quality, the product is normally removed from the shelf or similar location from which the milk product is offered for sale to the consumer. (FAC 82001)

FISCAL EFFECT: Unknown

COMMENTS: AB 660 (Irwin) of 2024 (FAC 82001) required food manufacturers, processors, and retailers responsible for the labeling of food items, beginning July 1, 2026, to use "BEST if Used by" to indicate quality, and "Use by" to indicate safety of a food item, and prohibits the use of the term "sell by." Dietary supplements were not intended to be a part of AB 660 scope.

Recent legislation, AB 899 (Muratsuchi) of 2023, and SB 862 (Committee on Health) adds a clarification that "Baby food" does not include infant formula or dietary supplements, for the purposes of health and safety code 110962 (1).

According to the author, this bill will clarify that dietary supplement products are not subject to the requirements of AB 660, allowing dietary supplement manufacturers to continue to indicate shelf-life in a manner that is consistent with their FDA compliance obligations and avoiding consumer confusion.

Supporters state this clarification is important as the standardized date labels outlined in AB 660 are intended to indicate "peak freshness" or "food safety" for food products. Dietary supplement products, following FDA regulations, communicate shelf-life expiration dates, commonly using the term "expiration" or similar terms for different purposes than those captured under AB 660. AB 2779 will clarify that dietary supplement products are not subject to the requirements of AB 660, allowing dietary supplement manufacturers to continue to indicate shelf-life in a manner that is consistent with their FDA compliance obligations and avoiding consumer confusion.

Furthermore, the dietary supplement industry has long employed expiration dating, best-by dating, and manufacturing date coding systems developed in alignment with FDA guidance and

industry best practices. These systems are well-understood by the consumers who purchase dietary supplements. Because dietary supplements have different stability profiles and shelf lives than conventional foods, with quality indicators relating to active ingredient potency rather than spoilage, current dating practices appropriately reflect these unique product characteristics and do not contribute to the consumer confusion that existing law was designed to address for conventional food products.

REGISTERED SUPPORT / OPPOSITION:

Support

Council for Responsible Nutrition
Consumer Healthcare Products Association

Opposition

None on File

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084