

- 4) Requires raw shucked shellfish to bear a label that includes a “Sell by” date or a “Best if used by” date for packages with a capacity of less than one-half gallon, or the date shucked for packages with a capacity of one-half gallon or more (*Health and Safety Code Section 114039*).
- 5) Limits the refrigerated shelf life of packages of food using a reduced-oxygen packaging method where *Clostridium botulinum* is identified as a microbiological hazard to no more than 30 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer’s “Sell by” or “Use by” date, whichever occurs first (*Health and Safety Code - 114057.1*).
- 6) 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" (*Food and Agricultural Code Section 82001*).

Existing federal law:

- 1) Establishes the Federal Food, Drug, and Cosmetic Act under the U.S. Food and Drug Administration (FDA) that provides quality standards and labeling standards for food, drugs, medical devices, and cosmetics manufactured and sold in the United States (21 CFR 101 et seq.).

PROPOSED LAW:

This bill:

- 1) Provides that a food item for human consumption does not include a dietary supplement, as defined.
 - a. 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."
- 2) Places an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

- a. To ensure the correct implementation of the statute and to minimize the disruption to California's food industry it is necessary for this act to go into immediate effect.

ARGUMENTS IN SUPPORT: According to the author:

“AB 660 established a standardized statewide food date-labeling framework to help consumers better distinguish between food quality and food safety while reducing unnecessary food waste. However, dietary supplements were not intended to be included within the scope of that legislation. Unlike conventional foods, dietary supplements use expiration dates and other dating systems to communicate shelf life and ingredient potency in accordance with federal requirements and established industry practices.

AB 2779 provides a clarification by expressly excluding dietary supplements from AB 660's date-labeling requirements. The bill also provides additional implementation flexibility by allowing manufacturers to use either capitalized or all-capitalized versions of the standardized date labels. AB 2779 will help ensure AB 660 is implemented as intended while providing regulatory certainty to manufacturers and avoiding consumer confusion.”

ARGUMENTS IN OPPOSITION:

None received.

RELATED LEGISLATION:

AB 660 (*Chapter 911, Statutes of 2024*): Established a standardized statewide food date-labeling framework to reduce consumer confusion and unnecessary food waste.

AB 899 (*Chapter 668, Statutes of 2023*): Required a manufacturer of baby food sold or distributed in this state to test a representative sample of each production aggregate of baby food product, at a proficient laboratory meeting specified criteria (including being accredited; using an analytical method; demonstrating proficiency), for toxic elements (meaning arsenic, cadmium, lead, and mercury).

PRIOR ACTIONS:

Assembly Floor:	66 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Agriculture Committee:	8 - 0

SUPPORT:

Council for Responsible Nutrition
Natural Products Association

OPPOSITION:

None received

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