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CONSENT

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Bill No: AB 2779  
Author: Irwin (D)  
Amended: 6/9/26 in Senate  
Vote: 27 - Urgency

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SENATE AGRICULTURE COMMITTEE: 4-0, 6/16/26

AYES: Caballero, Alvarado-Gil, McNerney, Padilla

NO VOTE RECORDED: Ashby

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 66-0, 5/7/26 (Consent) - See last page for vote

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

**SOURCE:** Author

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**DIGEST:** This bill 1) provides that a food item for human consumption does not include a dietary supplement, as defined, and 2) includes an urgency statute for 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.

**ANALYSIS:**

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.).

Existing state law:

- 1) Establishes the Sherman Food, Drug, and Cosmetic Law to regulate the packaging, labeling, and advertising of food, including dietary supplements, cosmetics, drugs, and medical devices in California (*Health and Safety Code Section 109875- 110040*).
- 2) Requires eggs being sold for human consumption to be labeled with all of the following (*Food and Agricultural Code Section 27644*):
  - a) The words “Sell-by” immediately followed by the month and day in bold type.
  - b) The “Sell-by” date shall not exceed 30 days from the date on which the eggs were packed, excluding the date of packing.
- 3) Requires milk and cream, at the time of sale to the consumer by a retail store, to have on the container a date established by the processor as the date upon which, in order to ensure consumer quality, the product is normally removed from the shelf or similar location from which the product is offered for sale to the consumer (*Food and Agricultural Code Section 36004*).
- 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 Section 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*).

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 the 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.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:** (Verified 6/29/26)

Council for Responsible Nutrition  
Natural Products Association

**OPPOSITION:** (Verified 6/29/26)

None received

**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.”

ASSEMBLY FLOOR: 66-0, 5/7/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Ward, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Bonta, Chen, Flora, Gallagher, Hart, Hoover, Irwin, Papan, Petrie-Norris, Celeste Rodriguez, Valencia, Wallis, Wicks

Prepared by: Reichel Everhart / AGRI. / (916) 651-1508  
7/1/26 16:55:22

\*\*\*\* END \*\*\*\*