

CONCURRENCE IN SENATE AMENDMENTS

AB 2779 (Irwin)

As Amended June 9, 2026

2/3 vote. Urgency

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."

Senate Amendments

1) Make technical, non-substantive amendments.

2) Add Urgency Clause.

COMMENTS

AB 660 (Irwin) of 2024 (Food and Agriculture Code (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).

Furthermore, the dietary supplement industry has long employed expiration dating, best-by dating, and manufacturing date coding systems developed in alignment with the Food and Drug Administration (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.

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.

Arguments in Support

The Consumer Healthcare Products Association wrote that, "Absent the clarification provided by AB 2779, applying California's food date labeling requirements to dietary supplements would impose substantial operational and economic burdens on manufacturers, many of whom distribute products nationally. California-specific labeling requirements would necessitate state-specific packaging, separate production runs, inventory segregation, and distribution controls. These requirements would increase costs, heighten the risk of distribution errors, and strain

supply chains — particularly for the small and medium-sized businesses that make up a significant portion of our membership. Ultimately, these burdens could reduce product availability for California consumers or increase prices, all without providing meaningful additional consumer protection."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, this bill has negligible state costs.

VOTES:

ASM AGRICULTURE: 8-0-0

YES: Soria, Hadwick, Aguiar-Curry, Alanis, Connolly, Jeff Gonzalez, Irwin, Ransom

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Muratsuchi

ASSEMBLY FLOOR: 66-0-14

YES: 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

ABS, ABST OR NV: Arambula, Bonta, Chen, Flora, Gallagher, Hart, Hoover, Irwin, Papan, Petrie-Norris, Celeste Rodriguez, Valencia, Wallis, Wicks

SENATE FLOOR: 37-0-3

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Richardson, Rubio

SENATE FLOOR: 37-0-3

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Richardson, Rubio

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