
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1033 (Padilla) - Protein products

Version: April 6, 2026

Urgency: No

Hearing Date: May 4, 2026

Policy Vote: HEALTH 10 - 0, E.Q. 4 - 1

Mandate: Yes

Consultant: Agnes Lee

Bill Summary: SB 1033 would require a manufacturer of a bulk protein product or a packaged protein product that is sold, manufactured, delivered, held, or offered for sale in the state to test a representative sample of each lot of the manufacturer's bulk protein product or packaged protein product for heavy metals, as specified.

Fiscal Impact: Unknown ongoing General Fund costs, likely hundreds of thousands, for the California Department of Public Health (CDPH) for state administration.

Background: California's Sherman Food, Drug and Cosmetic Law (Sherman Law) provides broad authority for CDPH to enforce food safety requirements, including that food is not adulterated, misbranded, or falsely advertised. Food labeling requirements generally adopt federal food labeling laws as the state requirement, including nutrition labeling and allergen labeling, but CDPH is permitted to adopt additional food labeling regulations.

State law requires, beginning January 1, 2027, manufacturers of prenatal multivitamin products to test samples of the vitamins for arsenic, cadmium, lead, and mercury, and requires the brand owner of a multivitamin product to disclose the testing results and other information to the public.

State law also requires a manufacturer of baby food for sale or distribution in this state to test a representative sample of each production aggregate of the manufacturer's final baby food product for arsenic, cadmium, lead, and mercury. The manufacturer must disclose product information for baby food sold, including making publicly available on the manufacturer's website the name and level of each toxic element present in a final baby food product.

Proposed Law: Specific provisions of the bill would:

- Require a manufacturer of a bulk protein product or a packaged protein product, as defined, that is sold, manufactured, delivered, held, or offered for sale in the state to test a representative sample of each lot of the manufacturer's bulk protein product or packaged protein product at a proficient laboratory for heavy metals (defined as arsenic, cadmium, lead, and mercury), as specified.
- Require a brand owner of a packaged protein product that is sold, manufactured, delivered, held, or offered for sale in the state, including, without limitation, protein products that are sold by a retailer or that are sold directly to consumers, to disclose product information to the public, as specified, including making publicly available

the name and level of each heavy metal present in each lot of a packaged protein product when the product lot is tested.

- Prohibit a person from selling in the state or manufacturing, delivering, holding, or offering for sale in the state a protein product, including, without limitation, a protein product that is sold by a retailer or that is sold directly to consumers, that does not comply with the requirements of the bill's provisions.

Related Legislation: AB 2302 (C. Rodriguez) would require a manufacturer of infant formula for sale or distribution in the state to test a representative sample for toxic elements, as specified. The bill is currently in the Assembly Appropriations Committee.

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