

Assembly Bill No. 2244

CHAPTER 721

An act to add Article 4 (commencing with Section 104670) to Chapter 2 of Part 3 of Division 103 of, and to add and repeal Chapter 12.9 (commencing with Section 114379.80) of Part 7 of Division 104 of, the Health and Safety Code, relating to food.

[Approved by Governor September 28, 2026. Filed with
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LEGISLATIVE COUNSEL’S DIGEST

AB 2244, Gabriel. Non-Ultraprocessed Certified food standard.

Existing law defines, for certain school-related purposes, “ultraprocessed food” as any food or beverage that contains a specified substance and either high amounts of saturated fat, sodium, or added sugar or a nonnutritive sweetener or other substance, as specified. Existing law requires the department to adopt regulations, on or before June 1, 2028, to define “ultraprocessed foods of concern” and “restricted school foods,” as specified, and requires the department, when defining ultraprocessed foods of concern and restricted school foods, to consider specified factors, including, among others, whether the substance or group of substances are banned or restricted in other state, federal, or international jurisdictions due to concerns about adverse health consequences.

This bill would require the department, no later than June 1, 2029, to accredit certification agents that can certify food products as “Non-Ultraprocessed Certified.” The bill would prohibit an accredited certification agent from certifying a food product as “Non-Ultraprocessed Certified” if it is an ultraprocessed food, ultraprocessed food of concern, or a restricted school food, as defined. The bill would require the department to create a specified standardized “Non-Ultraprocessed Certified” seal. The bill would authorize a food product to bear the seal only if the product has been certified by an accredited certification agent. The bill would require an accredited certification agent to, among other things, register with the department and provide specified information to the department for each food product certified by the accredited certification agent. The bill would require any registration information submitted by an accredited certification agent to the department to be made available to the public for inspection and copying.

This bill would require an accredited certification agent to immediately make specified records available to the department for inspection, as specified, and would authorize the department to audit the accredited certification agent’s certification procedures and records at any time. The bill would require any records of the accredited certification agent not

otherwise required to be disclosed to be kept confidential by the department. The bill would require the department to maintain a public internet webpage that lists all of the products currently certified as “Non-Ultraprocessed Certified” as reported by the accredited certification agent.

This bill would make it unlawful for a person to certify products as “Non-Ultraprocessed Certified” unless duly registered as an accredited certification agent, for a person to willfully make a false statement or representation or knowingly fail to disclose a fact required to be disclosed in registration as an accredited certification agent, for a person to willfully make a false statement or representation or knowingly fail to disclose a fact required to be disclosed to an accredited certification agent, and for a person to use the “Non-Ultraprocessed Certified” seal on a product that does not meet the above-described provisions. The bill would authorize the department, among others, to enjoin a person who engages, has engaged, or proposes to engage in the misuse of the “Non-Ultraprocessed Certified” seal.

This bill would create the Public Health Food and Nutrition Education Fund for the purposes of supporting the implementation of the “Non-Ultraprocessed Certified” label requirements and educating the public and stakeholders about the label requirements, food products, and nutrition. The bill would authorize the department to establish fees for the registration and renewal of accredited certification agents and certification of food at levels not exceeding the reasonable costs of administering and enforcing these provisions. The bill would require the fees to be deposited in the Public Health Food and Nutrition Education Fund. Upon appropriation by the Legislature, the bill would make moneys in the Public Health Food and Nutrition Education Fund available to the department for expenditure.

Existing law, the California Retail Food Code (Code), establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, as defined, and requires local enforcement agencies to enforce these provisions. Existing law provides that a violation of the code is punishable as a misdemeanor or a fine. Existing law defines a grocery store as a store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry and any area that is not separately owned within the store where food is prepared and served, including a bakery, deli, and meat and seafood counter.

This bill, upon the creation of the “Non-Ultraprocessed Certified” seal described above, would require a grocery store with gross annual store sales of more than \$10,000,000 to make clearly identifiable, as defined, at least 3 or more “Non-Ultraprocessed Certified” items if the grocery store offers for sale more than 25 certified items. The bill would authorize the Attorney General, county counsel, city attorney, or city prosecutor, as specified, to enjoin a grocery store that fails to meet these requirements. The bill would exempt a violation of these provisions from criminal liability under the California Retail Food Code. The bill would repeal these provisions on January 1, 2040. By imposing a higher level of service on local enforcement

agencies required to enforce these provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 104670) is added to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, to read:

Article 4. Non-Ultraprocessed Certified

104670. It is the intent of the Legislature to provide consumers with easily accessible information so that they can make informed nutrition choices when purchasing food and beverages.

104671. For purposes of this article, all of the following definitions apply:

- (a) “Accredited certification agent” means an entity accredited by the department to certify products as “Non-Ultraprocessed Certified.”
- (b) “Department” means the State Department of Public Health.
- (c) “Food” means a food or beverage intended for sale in retail food facilities, including grocery stores.
- (d) “Food product” means a finished product of a food or beverage with a unique universal product code (UPC).
- (e) “Non-Ultraprocessed Certified” means a food product that has been certified by an accredited certification agent.

104672. (a) No later than June 1, 2029, the department shall accredit certification agents that can certify food products as “Non-Ultraprocessed Certified” pursuant to this section.

(b) An accredited certification agent shall not certify a food product as “Non-Ultraprocessed Certified” if the food product is any of the following:

- (1) Meets the additive criteria for ultraprocessed food, as described in subparagraph (A) or (B) of paragraph (2) of subdivision (a) of Section 104661.
- (2) Classified as an ultraprocessed food of concern, as defined in Section 104662.

(3) Classified as a restricted school food, as defined in Section 104662.

(c) A food product shall be recertified as “Non-Ultraprocessed Certified” no less frequently than every three years.

(d) If a food product using the “Non-Ultraprocessed Certified” seal is reformulated, the manufacturer shall seek recertification with an accredited certification agent and receive recertification of the reformulated product prior to using the seal on the reformulated product.

(e) The department shall maintain a data system for “Non-Ultraprocessed Certified” food products.

104673. (a) The department shall create a standardized seal that may incorporate both of the following:

(1) The phrase “Non-Ultraprocessed Certified Food Standard” or “Non-UPF Certified.”

(2) Images and themes associated with California and healthy, nutritious whole foods.

(b) A food product may bear the “Non-Ultraprocessed Certified” seal on a product only if the product has been certified by an accredited certification agent pursuant to this article.

(c) The seal may be placed on the principal display panel, the information panel, or elsewhere on the package, provided that the seal does not obscure other required information, such as the nutrition facts panel or the statement of identity.

104674. (a) An accredited certification agent shall do all of the following:

(1) Register with the department on a form provided by the department.

(2) Complete department required accreditation certification agency training.

(3) Annually renew the accreditation agent status unless the certification agent is no longer engaged in certifying food products pursuant to this article.

(4) Provide a list to the department of all the products certified by the accredited certification agent.

(b) Any registration information submitted by an accredited certification agent to the department shall be made available to the public for inspection and copying.

104675. (a) An accredited certification agent shall comply with the requirements and processes established by the department to certify a food product.

(b) An accredited certification agent shall report all of the following information to the department for each food product certified as non-ultraprocessed:

(1) Food product name.

(2) Food product ingredients.

(3) Food product nutrition facts from nutrition facts label.

(4) Food product manufacturer and brand.

(5) Global Trade Item Number and Universal Product Code.

(6) Date certified.

(7) Other information as required by the department.

(c) An accredited certification agent that certifies products sold as “Non-Ultraprocessed Certified” shall immediately make the following records available for inspection by, and shall, upon request within three business days of the request, or within a reasonable time exceeding three business days as determined by the department, provide a copy to, the department:

(1) Records obtained for certification of a food product.

(2) Records created by the accredited certification agent regarding applications for certification of a product.

(d) The department may audit the accredited certification agent’s certification procedures and records at any time, but any records of the accredited certification agent not otherwise required to be disclosed shall be kept confidential by the department.

(e) The department shall maintain a public internet webpage that lists all of the products currently certified as “Non-Ultraprocessed Certified” as reported by the accredited certification agent.

104676. The department may adopt any regulations as are reasonably necessary to assist in the implementation of, or to make more specific the provisions of, this article.

104677. (a) The department may establish fees for the registration and renewal of accredited certification agents and certification of food products to be paid to the department. Fees shall be established at levels not exceeding the reasonable costs of administering and enforcing this article and any regulations adopted thereunder. All fees collected shall be deposited in the Public Health Food and Nutrition Education Fund.

(b) The Public Health Food and Nutrition Education Fund is hereby created in the State Treasury for the purposes of supporting the implementation of the “Non-Ultraprocessed Certified” label requirements and educating the public and stakeholders about the label requirements, food products, and nutrition.

(c) Upon appropriation by the Legislature, moneys in the Public Health Food and Nutrition Education Fund shall be available to the department for expenditure.

104678. (a) It is unlawful for a person to certify products as “Non-Ultraprocessed Certified” unless duly registered as an accredited certification agent.

(b) It is unlawful for a person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed, in registration as an accredited certification agent pursuant to this article.

(c) It is unlawful for a person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed to an accredited certification agent.

(d) It is unlawful for a person to use the “Non-Ultraprocessed Certified” seal on a product that does not meet the provisions of this article.

(e) A person who engages, has engaged, or proposes to engage in the misuse of the “Non-Ultraprocessed Certified” seal may be enjoined in any court of competent jurisdiction by any of the following:

- (1) The department.
 - (2) The Attorney General, county counsel, city attorney, or city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California.
 - (3) A consumer, business entity, or non-profit organization.
- SEC. 2. Chapter 12.9 (commencing with Section 114379.80) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

CHAPTER 12.9. CLEARLY IDENTIFIABLE

114379.80. (a) For purposes of this chapter, “clearly identifiable” means a manner of offering a product for sale on a display unit or within a retail setting that allows a reasonable consumer to readily distinguish the product from other products, including through physical separation, signage, or other visual cues.

(b) Upon the creation of the standardized seal pursuant to Section 104673, a grocery store, as defined in paragraph (3) of subdivision (e) of Section 113948, with gross annual store sales of more than ten million dollars (\$10,000,000) shall make clearly identifiable at least 3 or more items certified according to Article 4 (commencing with Section 104670) of Chapter 2 of Part 3 of Division 103 if the grocery store offers for sale more than 25 certified items.

(c) For purposes of this chapter, “grocery store” does not include either of the following, however denominated:

(1) An establishment primarily engaged in retailing automotive fuels, including gasoline, diesel fuel, gasohol, or alternative fuels, in combination with a limited line of groceries, whether operated in a convenience store or food mart setting or a gasoline station setting, and whether or not the establishment also provides automotive repair services.

(2) An establishment primarily engaged in retailing a limited line of groceries generally including milk, bread, soda, and snacks, such as a convenience store or food mart, other than an establishment operating fuel pumps.

114379.81. A grocery store described in Section 114379.80 that fails to meet the requirements of this chapter may be enjoined in any court of competent jurisdiction by the Attorney General, county counsel, city attorney, or city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California.

114379.82. (a) A violation of this chapter shall not be subject to Section 114395.

(b) A grocery store shall be deemed in compliance with this chapter if it demonstrates that it has made a good faith effort to comply and has implemented reasonable policies, procedures, or employee training designed to achieve compliance.

(c) De minimis or isolated instances of noncompliance that occur despite good faith efforts, including temporary conditions resulting from restocking,

customer handling, or ordinary store operations, shall not constitute a violation of this chapter.

114379.83. This chapter shall remain in effect only until January 1, 2040, and as of that date is repealed.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 104675 to the Health and Safety Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

To ensure protection for confidential and proprietary business information, including, but not limited to, trade secrets, any records of the accredited certification agent not otherwise required to be disclosed shall be kept confidential by the department.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.