

AMENDED IN SENATE JULY 18, 2025

AMENDED IN SENATE JUNE 23, 2025

AMENDED IN ASSEMBLY MAY 29, 2025

AMENDED IN ASSEMBLY APRIL 21, 2025

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

## ASSEMBLY BILL

**No. 1264**

**Introduced by Assembly Member Gabriel**

**(Coauthors: Assembly Members Addis, Bauer-Kahan, Berman, Chen, Connolly, Flora, Gallagher, Hadwick, Hoover, Kalra, Lee, Lowenthal, Patterson, Petrie-Norris, Sanchez, Valencia, and Wicks)**

**(Coauthors: Senators Allen, Padilla, Pérez, Valladares, Weber Pierson, and Wiener)**

February 21, 2025

An act to amend Sections 49431, 49431.2, 49431.5, 49501.5, and 49531 of the Education Code, and to add Sections 109991 and 110028 to, to add Article 5.5 (commencing with Section 110656) to Chapter 5 of Part 5 of Division 104 of, and to repeal Sections 110658 and 110658.5 of, the Health and Safety Code, relating to pupil nutrition.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1264, as amended, Gabriel. Pupil nutrition: particularly harmful ultraprocessed food: prohibition.

(1) Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of various subjects relating to the

manufacturing, processing, labeling, advertising, and sale of food, drugs, and cosmetics, under the administration and enforcement of the State Department of Public Health. Existing law requires a food additive, preservative, or color additive to be considered unsafe for use with respect to any food unless a regulation is adopted that limits the quantity and the use, or intended use, of the substance. A violation of these provisions is punishable as a misdemeanor.

This bill would define “ultraprocessed food” ~~and for general purposes of the Sherman Food, Drug, and Cosmetic Law, and separately for certain school-related purposes, and, for that latter purpose,~~ would require the Office of Environmental Health Hazard Assessment to adopt regulations on or before July 1, 2026, to define “particularly harmful ultraprocessed food.” The bill would require the office, when defining particularly harmful ultraprocessed food, to consider specified factors, including, among others, whether, based on reputable peer-reviewed scientific evidence, a substance or group of substances are linked to health harms or adverse health ~~consequences~~. *consequences, as specified. The bill would require the office to adopt regulations to establish a petitioning process, by January 1, 2028, for the exemption of a food or ingredient from the particularly harmful ultraprocessed food designation and would require that petitioning process to include a petitioning fee not to exceed the office’s reasonable administrative costs.* The bill would require schools to begin to phase out particularly harmful ultraprocessed foods no later than January 1, 2028. Beginning January 1, 2032, the bill would prohibit a vendor from offering particularly harmful ultraprocessed foods to a school.

This bill, on or before February 1, 2027, and on or before February 1 of each year thereafter through February 1, 2032, would require a vendor to report specified information to the office for each food product sold to a school in the past calendar year, including, among others, the total quantity of food product sold to schools and whether that food product is an ultraprocessed food or particularly harmful ultraprocessed food. The bill, on or before July 1, 2027, and on or before July 1 of each year thereafter through July 1, 2032, would require the office, in consultation with the State Department of Education, to submit to the Legislature and the Governor a report that contains, among other things, a summary and analysis of the information reported to the office by vendors and recommendations for state and local legislative actions that could reduce the consumption of ultraprocessed foods and particularly harmful ultraprocessed foods in schools.

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

(2) Existing law requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and for all food and beverages sold on public school campuses. Existing law requires those nutrition guidelines to be consistent with the requirements for a nutritionally adequate breakfast and a nutritionally adequate lunch. Existing law defines a nutritionally adequate breakfast and a nutritionally adequate lunch for these purposes to mean those that qualify for reimbursement under the most current meal pattern for the federal School Breakfast Program and the federal National School Lunch Program, respectively.

Existing law requires a school district, county superintendent of schools, or charter school maintaining kindergarten or any of grades 1 to 12, inclusive, to make available a nutritionally adequate breakfast and a nutritionally adequate lunch, free of charge, during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal. Existing law authorizes a school operated and maintained by a school district or county office of education, from the midnight before to 30 minutes after the end of the official schoolday, to sell food and beverages other than meals reimbursed by specified federal nutrition programs, only if the food or beverages meet dietary guidelines, as specified, depending on grade level.

This bill, beginning July 1, 2035, would prohibit a school district, county superintendent of schools, or charter school maintaining kindergarten or any of grades 1 to 12, inclusive, from offering a nutritionally adequate breakfast or lunch that includes particularly harmful ultraprocessed foods, as provided, and would prohibit a school operated and maintained by a school district or county office of education from selling food or beverages, except for food items sold as part of a school fundraising event, containing those particularly harmful ultraprocessed foods, as provided. To the extent this bill would impose additional requirements on public schools, the bill would impose a state-mandated local program.

(3) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. (a) It is the intent of the Legislature to reduce  
2 the consumption of ultraprocessed foods by the children of  
3 California, and to encourage schools and school districts to promote  
4 and provide healthier options in school meals in advance of the  
5 compliance dates provided in Section 110657 of the Health and  
6 Safety Code.

7 (b) It is further the intent of the Legislature to prioritize  
8 California-grown products in school meals, which are among the  
9 healthiest and most nutritious available, meeting the highest  
10 standards for quality, safety, and sustainability.

11 SEC. 2. Section 49431 of the Education Code is amended to  
12 read:

13 49431. (a) From the midnight before to 30 minutes after the  
14 end of the official schoolday, at each elementary school, the only  
15 competitive foods that may be sold to a pupil are fruit, vegetable,  
16 dairy, protein, or whole grain rich food items; foods with a fruit,  
17 vegetable, dairy, protein, or whole grain item as its first ingredient;  
18 or combination foods containing at least one-quarter cup of fruit  
19 or vegetable that meets the following standards:

20 (1) Not more than 35 percent of its total calories shall be from  
21 fat. This paragraph shall not apply to individually sold portions of  
22 nuts, nut butters, seeds, seed butters, reduced-fat cheese or  
23 part-skim mozzarella cheese packaged for individual sale, eggs,  
24 fruits, vegetables that have not been deep fried, seafood, or a dried  
25 fruit and nut and seed combination.

26 (2) Less than 10 percent of its total calories shall be from  
27 saturated fat. This paragraph shall not apply to reduced-fat cheese  
28 or part-skim mozzarella cheese packaged for individual sale, eggs,  
29 nuts, nut butters, seeds, seed butters, or a dried fruit and nut and  
30 seed combination.

1 (3) Not more than 35 percent of its total weight shall be  
2 composed of sugar, including naturally occurring and added sugar.  
3 This paragraph shall not apply to fruits, vegetables that have not  
4 been deep fried, or a dried fruit and nut and seed combination.

5 (4) Contains less than 0.5 grams of trans fat per serving.

6 (5) Contains not more than 200 milligrams of sodium per item,  
7 package, or container sold to a pupil.

8 (6) Contains not more than 200 calories per individual food  
9 item.

10 (7) Beginning December 31, 2027, competitive foods do not  
11 contain any of the following substances:

12 (A) Blue 1 (CAS 3844-45-9).

13 (B) Blue 2 (CAS 860-22-0).

14 (C) Green 3 (CAS 2353-45-9).

15 (D) Red 40 (CAS 25956-17-6).

16 (E) Yellow 5 (CAS 1934-21-0).

17 (F) Yellow 6 (CAS 2783-94-0).

18 (8) Beginning July 1, 2035, federal National School Lunch  
19 Program and federal School Breakfast Program ~~entrées~~ *food* and  
20 competitive entrées sold by any entity, excluding foods provided  
21 by the United States Department of Agriculture (USDA) Foods in  
22 Schools program, do not include particularly harmful  
23 ultraprocessed foods, as defined pursuant to Section 109991 of the  
24 Health and Safety Code.

25 (b) An elementary school may permit the sale of food items that  
26 do not comply with subdivision (a) as part of a school fundraising  
27 event in either of the following circumstances:

28 (1) The sale of those items takes place off of and away from  
29 school premises.

30 (2) The sale of those items takes place on school premises at  
31 least one-half hour after the end of the schoolday.

32 (c) It is the intent of the Legislature that the governing board of  
33 a school district annually review its compliance with the nutrition  
34 standards described in this section and Section 49431.5.

35 (d) Nothing in this section shall be construed to prohibit a school  
36 from selling to a pupil, after the pupil has been provided a school  
37 meal pursuant to Section 49501.5, the entrée from an additional  
38 nutritiously adequate meal that qualifies for federal reimbursement,  
39 from the same meal service.

SEC. 3. Section 49431.2 of the Education Code is amended to read:

49431.2. (a) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, the only competitive snack foods that may be sold to a pupil are fruit, vegetable, dairy, protein, or whole grain rich food items; foods with a fruit, vegetable, dairy, protein, or whole grain item as its first ingredient; or combination foods containing at least one-quarter cup of fruit or vegetable that meet all of the following standards:

(1) Not more than 35 percent of its total calories shall be from fat. This paragraph does not apply to the sale of nuts, nut butters, seeds, seed butters, reduced-fat cheese or part-skim mozzarella cheese packaged for individual sale, eggs, fruits, vegetables that have not been deep fried, seafood, or a dried fruit and nut and seed combination.

(2) Less than 10 percent of its total calories shall be from saturated fat. This paragraph shall not apply to reduced-fat cheese or part-skim mozzarella cheese packaged for individual sale, eggs, nuts, nut butters, seeds, seed butters, or a dried fruit and nut and seed combination.

(3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugars. This paragraph shall not apply to the sale of fruits, vegetables that have not been deep fried, or a dried fruit and nut and seed combination.

(4) Contains less than 0.5 grams of trans fat per serving.

(5) Contains not more than 200 milligrams of sodium per item, package, or container sold to a pupil.

(6) Contains not more than 200 calories per individual food item.

(7) Beginning December 31, 2027, competitive foods do not contain any of the following substances:

(A) Blue 1 (CAS 3844-45-9).

(B) Blue 2 (CAS 860-22-0).

(C) Green 3 (CAS 2353-45-9).

(D) Red 40 (CAS 25956-17-6).

(E) Yellow 5 (CAS 1934-21-0).

(F) Yellow 6 (CAS 2783-94-0).

(8) Beginning July 1, 2035, competitive foods do not include particularly harmful ultraprocessed foods, as defined pursuant to Section 109991 of the Health and Safety Code.

(b) (1) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, a competitive entrée sold by the district food service department the day, or the day after, it is served on the federal National School Lunch Program or federal School Breakfast Program menu shall meet the following standards:

(A) Contains not more than 400 calories per entrée item.

(B) Not more than 35 percent of its total calories shall be from fat.

(C) Contains less than 0.5 grams trans fat per serving.

(D) Is offered in the same or smaller portion sizes as in the federal National School Lunch Program or federal School Breakfast Program.

(E) Beginning December 31, 2027, federal National School Lunch Program and federal School Breakfast Program entrées, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, do not contain any of the following substances:

(i) Blue 1 (CAS 3844-45-9).

(ii) Blue 2 (CAS 860-22-0).

(iii) Green 3 (CAS 2353-45-9).

(iv) Red 40 (CAS 25956-17-6).

(v) Yellow 5 (CAS 1934-21-0).

(vi) Yellow 6 (CAS 2783-94-0).

(F) Beginning July 1, 2035, federal National School Lunch Program and federal School Breakfast Program entrées, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, do not include particularly harmful ultraprocessed foods, as defined pursuant to Section 109991 of the Health and Safety Code.

(2) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, a competitive entrée sold by the district food service department but not the day, or the day after, it is served on the federal National School Lunch Program or federal School Breakfast Program menu, or a competitive entrée sold by any other entity, shall meet the following standards:

- 1 (A) Not more than 35 percent of its total calories shall be from  
2 fat.
- 3 (B) Less than 10 percent of its calories shall be from saturated  
4 fat.
- 5 (C) Not more than 35 percent of its total weight shall be  
6 composed of sugar, including naturally occurring and added sugar.
- 7 (D) Contains less than 0.5 grams of trans fat per serving.
- 8 (E) Contains not more than 480 milligrams of sodium.
- 9 (F) Contains not more than 350 calories.
- 10 (G) Beginning December 31, 2027, federal National School  
11 Lunch Program and federal School Breakfast Program entrées and  
12 competitive entrées sold by any entity, excluding foods provided  
13 by the United States Department of Agriculture (USDA) Foods in  
14 Schools program, do not contain any of the following substances:  
15 (i) Blue 1 (CAS 3844-45-9).  
16 (ii) Blue 2 (CAS 860-22-0).  
17 (iii) Green 3 (CAS 2353-45-9).  
18 (iv) Red 40 (CAS 25956-17-6).  
19 (v) Yellow 5 (CAS 1934-21-0).  
20 (vi) Yellow 6 (CAS 2783-94-0).
- 21 (H) Beginning July 1, 2035, federal National School Lunch  
22 Program and federal School Breakfast Program entrées and  
23 competitive entrées sold by any entity, excluding foods provided  
24 by the United States Department of Agriculture (USDA) Foods in  
25 Schools program, do not include particularly harmful  
26 ultraprocessed foods, as defined pursuant to Section 109991 of the  
27 Health and Safety Code.
- 28 (c) A middle school or high school may permit the sale of food  
29 items that do not comply with subdivision (a) or (b) in any of the  
30 following circumstances:  
31 (1) The sale of those items takes place off of and away from  
32 school premises.  
33 (2) The sale of those items takes place on school premises at  
34 least one-half hour after the end of the schoolday.
- 35 (d) It is the intent of the Legislature that the governing board  
36 of a school district annually review its compliance with the  
37 nutrition standards described in this section.
- 38 (e) Nothing in this section shall be construed to prohibit a school  
39 from selling to a pupil, after the pupil has been provided a school  
40 meal pursuant to Section 49501.5, the entrée from an additional

1 nutritiously adequate meal that qualifies for federal reimbursement,  
2 from the same meal service.

3 SEC. 4. Section 49431.5 of the Education Code is amended to  
4 read:

5 49431.5. (a) (1) (A) From the midnight before to 30 minutes  
6 after the end of the official schoolday, at each elementary or middle  
7 school, the only competitive beverages that may be sold to a pupil  
8 are the following:

9 (i) Fruit-based drinks that are composed of no less than 50  
10 percent fruit juice and have no added sweetener in a maximum  
11 serving size of 8 fluid ounces for elementary school or 12 fluid  
12 ounces for middle school.

13 (ii) Vegetable-based drinks that are composed of no less than  
14 50 percent vegetable juice and have no added sweetener in a  
15 maximum serving size of 8 fluid ounces for elementary school or  
16 12 fluid ounces for middle school.

17 (iii) Plain water or plain carbonated water.

18 (iv) One-percent-fat unflavored milk, nonfat flavored or  
19 unflavored milk, soy milk, rice milk, almond milk, and other  
20 similar nondairy milk in a maximum serving size of 8 fluid ounces  
21 for elementary school or 12 fluid ounces for middle school.

22 (B) A beverage shall not contain any of the following:

23 (i) Caffeine, with the exception of trace amounts of naturally  
24 occurring caffeine substances.

25 (ii) Beginning December 31, 2027, any of the following  
26 substances:

27 (I) Blue 1 (CAS 3844-45-9).

28 (II) Blue 2 (CAS 860-22-0).

29 (III) Green 3 (CAS 2353-45-9).

30 (IV) Red 40 (CAS 25956-17-6).

31 (V) Yellow 5 (CAS 1934-21-0).

32 (VI) Yellow 6 (CAS 2783-94-0).

33 (iii) Beginning July 1, 2035, particularly harmful ultraprocessed  
34 foods, as defined pursuant to Section 109991 of the Health and  
35 Safety Code.

36 (2) An elementary school or middle school may permit the sale  
37 of beverages that do not comply with paragraph (1) as part of a  
38 school fundraising event in either of the following circumstances:

39 (A) The sale of those items takes place off and away from the  
40 premises of the school.

1 (B) The sale of those items takes place on school premises at  
2 least one-half hour after the end of the schoolday.

3 (3) (A) From the midnight before to 30 minutes after the end  
4 of the official schoolday, at each high school, the only competitive  
5 beverages that may be sold to a pupil are the following:

6 (i) Fruit-based drinks that are composed of no less than 50  
7 percent fruit juice and have no added sweetener in a maximum  
8 serving size of 12 fluid ounces.

9 (ii) Vegetable-based drinks that are composed of no less than  
10 50 percent vegetable juice and have no added sweetener in a  
11 maximum serving size of 12 fluid ounces.

12 (iii) Plain water or plain carbonated water.

13 (iv) One-percent-fat unflavored milk, nonfat flavored or  
14 unflavored milk, soy milk, rice milk, almond milk, and other  
15 similar nondairy milk in a maximum serving size of 12 fluid  
16 ounces.

17 (v) Flavored water or flavored carbonated water with no added  
18 sweetener that is labeled to contain less than five calories per 8  
19 fluid ounces in a maximum serving size of 20 fluid ounces.

20 (vi) Flavored water or flavored carbonated water with no added  
21 sweetener that is labeled to contain no more than 40 calories per  
22 8 fluid ounces in a maximum serving size of 12 fluid ounces.

23 (vii) Electrolyte replacement beverages that are labeled to  
24 contain less than five calories per 8 fluid ounces in a maximum  
25 serving size of 20 fluid ounces.

26 (viii) Electrolyte replacement beverages that are labeled to  
27 contain no more than 40 calories per 8 fluid ounces in a maximum  
28 serving size of 12 fluid ounces.

29 (B) Beverages labeled or commonly referred to as sodas, colas,  
30 or soft drinks are not allowed.

31 (C) A beverage shall not contain any of the following:

32 (i) Caffeine, with the exception of trace amounts of naturally  
33 occurring caffeine substances.

34 (ii) Beginning December 31, 2027, any of the following  
35 substances:

36 (I) Blue 1 (CAS 3844-45-9).

37 (II) Blue 2 (CAS 860-22-0).

38 (III) Green 3 (CAS 2353-45-9).

39 (IV) Red 40 (CAS 25956-17-6).

40 (V) Yellow 5 (CAS 1934-21-0).

1 (VI) Yellow 6 (CAS 2783-94-0).

2 (iii) Beginning July 1, 2035, particularly harmful ultraprocessed  
3 foods, as defined pursuant to Section 109991 of the Health and  
4 Safety Code.

5 (4) A high school may permit the sale of beverages that do not  
6 comply with paragraph (3) as part of a school event if the sale of  
7 those items meets either of the following criteria:

8 (A) The sale of those items takes place off and away from the  
9 premises of the school.

10 (B) The sale of those items takes place on school premises at  
11 least one-half hour after the end of the schoolday.

12 (b) It is the intent of the Legislature that the governing board  
13 of a school district annually review its compliance with this section.

14 (c) Notwithstanding Article 3 (commencing with Section 33050)  
15 of Chapter 1 of Part 20 of Division 2, compliance with this section  
16 shall not be waived.

17 SEC. 5. Section 49501.5 of the Education Code is amended to  
18 read:

19 49501.5. (a) Notwithstanding any other provision of this  
20 chapter, commencing with the 2022–23 school year all of the  
21 following shall apply:

22 (1) (A) (i) A school district, county superintendent of schools,  
23 or charter school maintaining kindergarten or any of grades 1 to  
24 12, inclusive, shall make available a nutritionally adequate  
25 breakfast and a nutritionally adequate lunch free of charge and  
26 with adequate time to eat, as determined by that school district,  
27 county superintendent of schools, or charter school in consideration  
28 of the recommendations provided by the department pursuant to  
29 subdivision (e), during each schoolday to any pupil who requests  
30 a meal without consideration of the pupil's eligibility for a federally  
31 funded free or reduced-price meal, except as described in clauses  
32 (i) and (ii) of subparagraph (B), with a maximum of one free  
33 breakfast meal and one free lunch meal, except for family daycare  
34 homes that shall be reimbursed for 75 percent of the meals served.  
35 The meals made available under this paragraph shall be  
36 nutritionally adequate meals that qualify for federal reimbursement.  
37 Participating school districts, county superintendents of schools,  
38 and charter schools shall comply with federal regulations for the  
39 National School Lunch Program and School Breakfast Program,

1 which includes established mealtimes and shall comply with state  
2 requirements for meals served.

3 (ii) Meals served that do not meet federal requirements shall  
4 not be eligible for federal or state meal reimbursement.

5 (iii) Meals served that do not meet state requirements shall not  
6 be eligible for state meal reimbursement.

7 (B) (i) The department shall submit a waiver request to the  
8 United States Department of Agriculture to allow for one meal  
9 provided during a schoolday lasting four hours or less to be served  
10 in a noncongregate manner.

11 (ii) If the department receives approval for the federal  
12 noncongregate waiver required by clause (i), school districts,  
13 county superintendents of schools, and charter schools may make  
14 available either a nutritionally adequate breakfast or a nutritionally  
15 adequate lunch in a noncongregate manner for meal service  
16 combinations resulting in either (I) a congregate nutritionally  
17 adequate breakfast and a noncongregate nutritionally adequate  
18 lunch or (II) a noncongregate nutritionally adequate breakfast and  
19 a congregate nutritionally adequate lunch. These meals shall be  
20 reimbursed under the provisions of paragraph (2) if both state and  
21 federal requirements are met.

22 (2) (A) The department shall provide state meal reimbursement  
23 to school districts, county offices of education, and charter schools  
24 that participate in, and comply with the requirements of, the federal  
25 School Breakfast Program and National School Lunch Program,  
26 and any applicable state laws and regulations. State meal  
27 reimbursement shall be provided for reduced-price and paid meals  
28 served to pupils, as described in subdivision (b).

29 (B) As a condition of receiving funding pursuant to this  
30 paragraph, school districts, county offices of education, and charter  
31 schools shall conduct direct certification matching through the  
32 California Longitudinal Pupil Achievement Data System on a  
33 monthly basis.

34 (b) The amount of per-meal reimbursements provided under  
35 this section shall not exceed the difference between the sum of the  
36 amounts calculated from meals claimed based on the free combined  
37 breakfast and lunch reimbursement rates established by the United  
38 States Department of Agriculture and state meal contribution  
39 established in Section 49559, and the combined federal and state  
40 amounts reimbursed for reduced-price and paid meals claimed.

1 (c) The reimbursement required pursuant to this section shall  
2 be provided upon appropriation by the Legislature. This section  
3 shall not be operative until the Legislature has appropriated funds  
4 for purposes of this section.

5 (d) (1) The department may adopt, and as necessary revise,  
6 guidelines in accordance with this section at a publicly noticed  
7 meeting if the department complies with all of the following:

8 (A) Provides an opportunity for public comment at the meeting.

9 (B) Provides written public notice of a meeting at least 30 days  
10 before the meeting at which the guideline to be adopted will be  
11 considered or approved.

12 (C) For a substantive revision of the guidelines, the department  
13 provides written notice of a meeting at least 15 days before the  
14 meeting at which the revision will be considered or approved.

15 (2) The adoption or revision of guidelines pursuant to this  
16 subdivision is exempt from Chapter 3.5 (commencing with Section  
17 11340) of Part 1 of Division 3 of Title 2 of the Government Code  
18 until July 1, 2023.

19 (e) The department shall review available evidence-based  
20 research, studies, and survey findings with school food authorities  
21 and school food workers, or their representatives, to make a  
22 recommendation for the amount of time that is adequate for a pupil  
23 to eat a school meal, including, but not limited to, the steps  
24 necessary to ensure that a pupil has adequate time to eat school  
25 meals that are served pursuant to this section and examining the  
26 role that breakfast in the classroom and other innovative breakfast  
27 models can play in supporting adequate time to eat. These  
28 recommendations shall be made public on the department's internet  
29 website on or before June 30, 2025.

30 (f) Notwithstanding subdivision (a), a school district, county  
31 office of education, or charter school that offers independent study,  
32 pursuant to Article 5.5 (commencing with Section 51744) of  
33 Chapter 5 of Part 28, shall meet the requirements of this section  
34 for any pupil on any schoolday that the pupil is scheduled for  
35 educational activities, as defined in Section 49010, lasting two or  
36 more hours, at a schoolsite, resource center, meeting space, or  
37 other satellite facility. Pupils who are present during established  
38 meal times shall have a nutritionally adequate breakfast and  
39 nutritionally adequate lunch made available.

(g) The chartering authority shall, upon request by a charter school and to the extent feasible within existing resources, provide technical assistance to the charter school in implementing this section.

(h) A charter school may enter into a partnership with an existing school food authority for the purposes of implementing this section.

(i) The chartering authority shall, upon request by a new charter school, contract with a charter school to make available a nutritionally adequate school breakfast and a nutritionally adequate school lunch until the charter school is an approved school food authority or until July 1 of the school year after the charter school becomes operational, whichever occurs first. The contract shall not exceed the actual costs to provide meals to the charter school, including, but not limited to, additional staffing costs and delivery of meals to the schoolsite, that are not covered by federal or state meal reimbursement.

(j) To comply with subdivision (a), a school district, county office of education, or charter school may use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program, the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or may do so at the expense of the school district, county office of education, or charter school.

(k) For purposes of this section, the following definitions apply:

(1) (A) “Nutritionally adequate breakfast” is one that qualifies for reimbursement under the most current meal pattern for the federal School Breakfast Program, as defined in Section 220.8 of Title 7 of the Code of Federal Regulations.

(B) Beginning December 31, 2027, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, a “nutritionally adequate breakfast” does not contain any of the following substances:

(i) Blue 1 (CAS 3844-45-9).

(ii) Blue 2 (CAS 860-22-0).

(iii) Green 3 (CAS 2353-45-9).

(iv) Red 40 (CAS 25956-17-6).

(v) Yellow 5 (CAS 1934-21-0).

(vi) Yellow 6 (CAS 2783-94-0).

(C) Beginning July 1, 2035, a “nutritionally adequate breakfast” does not include particularly harmful ultraprocessed foods, as defined pursuant to Section 109991 of the Health and Safety Code.

(2) (A) “Nutritionally adequate lunch” is one that qualifies for reimbursement under the most current meal pattern for the federal National School Lunch Program, as defined in Section 210.10 of Title 7 of the Code of Federal Regulations.

(B) Beginning December 31, 2027, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, a “nutritionally adequate lunch” does not contain any of the following substances:

(i) Blue 1 (CAS 3844-45-9).

(ii) Blue 2 (CAS 860-22-0).

(iii) Green 3 (CAS 2353-45-9).

(iv) Red 40 (CAS 25956-17-6).

(v) Yellow 5 (CAS 1934-21-0).

(vi) Yellow 6 (CAS 2783-94-0).

(C) Beginning July 1, 2035, a “nutritionally adequate lunch” does not include particularly harmful ultraprocessed foods, as defined pursuant to Section 109991 of the Health and Safety Code.

(3) “Schoolday” means any day that pupils in kindergarten or any of grades 1 to 12, inclusive, are present at a schoolsite or school facility for purposes of instruction or educational activities, as defined in Section 49010, including, but not limited to, pupil attendance at minimum days, state-funded preschool, transitional kindergarten, summer school including incoming kindergarten pupils, extended school year days, school-sponsored field trips, independent study when a pupil is onsite during the schoolday, and Saturday school sessions.

SEC. 6. Section 49531 of the Education Code is amended to read:

49531. (a) A school district, county superintendent of schools, or charter school may apply to the department for all available federal and state funds that they are eligible for so that a nutritionally adequate breakfast and lunch may be made available to pupils each schoolday at each schoolsite or school facility where pupils are present during the schoolday and to children receiving child development services. A school district, county superintendent of schools, or charter school that receives state funds pursuant to this article shall make available breakfasts and

1 lunches in accordance with state and federal guidelines. If an  
2 entity's school meal service is not in compliance with state and  
3 federal guidelines or regulations, or both, including noncompliance  
4 determined during administrative reviews, procurement reviews,  
5 or complaint investigations conducted by the department, the entity  
6 shall be ineligible for state meal reimbursement.

7 (b) (1) A nutritionally adequate breakfast, for the purposes of  
8 this article, is one that qualifies for reimbursement under the most  
9 current meal pattern for the federal School Breakfast Program, as  
10 defined in Section 220.8 of Title 7 of the Code of Federal  
11 Regulations and paragraph (2). A nutritionally adequate lunch for  
12 purposes of this article is one that qualifies for reimbursement  
13 under the most current meal pattern for the federal National School  
14 Lunch Program, as defined in Section 210.10 of Title 7 of the Code  
15 of Federal Regulations and paragraph (2).

16 (2) A nutritionally adequate breakfast or lunch shall not consist  
17 of more added sugar than the amount allowed by the federal School  
18 Breakfast Program and the federal National School Lunch Program,  
19 respectively.

20 (3) Beginning December 31, 2027, a nutritionally adequate  
21 breakfast or lunch, excluding foods provided by the United States  
22 Department of Agriculture (USDA) Foods in Schools program,  
23 shall not contain any of the following substances:

24 (A) Blue 1 (CAS 3844-45-9).

25 (B) Blue 2 (CAS 860-22-0).

26 (C) Green 3 (CAS 2353-45-9).

27 (D) Red 40 (CAS 25956-17-6).

28 (E) Yellow 5 (CAS 1934-21-0).

29 (F) Yellow 6 (CAS 2783-94-0).

30 (4) Beginning July 1, 2035, a nutritionally adequate breakfast  
31 or lunch, excluding foods provided by the United States  
32 Department of Agriculture (USDA) Foods in Schools program,  
33 shall not include particularly harmful ultraprocessed foods, as  
34 defined pursuant to Section 109991 of the Health and Safety Code.

35 (c) (1) If the federal School Breakfast Program and federal  
36 National School Lunch Program allow more added sugar or sodium  
37 than is recommended by the most recent Dietary Guidelines for  
38 Americans, established by the United States Department of  
39 Agriculture and the United States Department of Health and Human  
40 Services, the State Department of Education shall convene

representatives from the California School Nutrition Association and cafeteria workers, or their representatives, to work in partnership to provide the following:

(A) Maximum daily added sugar intake recommendations for each grade level commensurate with the American Academy of Pediatrics' standards for children two years of age or older.

(B) Maximum daily added sodium intake recommendations for each grade level commensurate with recommendations for children and adolescents in the Dietary Guidelines for Americans.

(2) Recommendations pursuant to this subdivision shall encourage the prioritization of foods with higher nutritional density when there is added sugar or sodium in the food.

(d) State reimbursement for meals provided pursuant to this article shall be limited to meals made available to pupils pursuant to Section 49501.5.

SEC. 7. Section 109991 is added to the Health and Safety Code, to read:

109991. (a) ~~“Particularly harmful ultraprocessed food”~~ *(1) Except as provided in paragraph (2), “particularly harmful ultraprocessed food” or “particularly harmful UPF” means a food or food product that is an ultraprocessed food product food, as defined in Section 110656, sold by any entity to a school, as defined in Section 110656, that is particularly harmful, as determined by regulations adopted by the Office of Environmental Health Hazard Assessment. On*

*(2) “Particularly harmful ultraprocessed food” or “particularly harmful UPF” does not include nonfat flavored milk, soy milk, rice milk, almond milk, or other similar nondairy milk described in subparagraph (D) of paragraph (1) of subdivision (a) of Section 49431.5 of the Education Code.*

*(b) (1) On or before July 1, 2026, the office shall adopt regulations to define particularly harmful ultraprocessed food that consider all of the following factors:*

~~(1)~~  
*(A) Whether the substance or group of substances are banned or restricted in other—local, state, federal, or international jurisdictions due to concerns about adverse health consequences.*

~~(2)~~  
*(B) Whether the products include or require a warning label in other—local, state, federal, or international jurisdictions due to concerns about adverse health consequences.*

- 1     ~~(3)~~  
2     (C) Whether, based on reputable peer-reviewed scientific  
3 evidence, a substance or group of substances are linked to health  
4 harms or adverse health consequences, including, but not limited  
5 to, any of the following:  
6     ~~(A)~~  
7     (i) Cancer.  
8     ~~(B)~~  
9     (ii) Cardiovascular disease.  
10    ~~(C)~~  
11    (iii) Metabolic disease.  
12    ~~(D)~~  
13    (iv) Developmental or behavioral issues.  
14    ~~(E)~~  
15    (v) Reproductive harm.  
16    ~~(F)~~  
17    (vi) Obesity.  
18    ~~(G)~~  
19    (vii) Type 2 diabetes.  
20    ~~(H)~~  
21    (viii) Other health harms associated with UPF consumption.  
22    ~~(4)~~  
23    (D) Whether, based on reputable peer-reviewed scientific  
24 evidence, a substance or group of substances may be  
25 hyperpalatable, or may contribute to food addiction.  
26    ~~(5)~~  
27    (E) Whether the food has been modified to be high in fat, sugar,  
28 or salt.  
29    (2) *For purposes of paragraph (1), the office shall be guided*  
30 *by a rigorous examination of available reputable peer-reviewed*  
31 *scientific evidence and shall consider all of the following:*  
32    (A) *The total number of jurisdictions where the substance or*  
33 *product is banned, restricted, or requires a warning label.*  
34    (B) *The basis for any determination by another jurisdiction to*  
35 *ban, restrict, or require a warning label for any substance or*  
36 *product.*  
37    (C) *The quality, caliber, and scope of any scientific evidence*  
38 *to any above determination, including a rigorous examination of*  
39 *whether such evidence is the product of scientific research*

1 *conducted according to internationally recognized best practices*  
2 *for scientific research.*

3 *(D) Any reputable peer-reviewed scientific evidence that would*  
4 *call into question any determination that a substance is linked to*  
5 *health harms or adverse health consequences.*

6 ~~(b)~~

7 *(c) (1) The office shall adopt regulations to update the definition*  
8 *of a particularly harmful UPF every two years to accommodate*  
9 *any relevant advances in scientific knowledge, the development*  
10 *of better agricultural or manufacturing practices, or other changes*  
11 *that require revision of the definition.*

12 *(2) The office shall adopt these regulations in consultation with*  
13 *the State Department of Public Health, the State Department of*  
14 *Education, Department of Food and Agriculture, the University*  
15 *of California, and all appropriate state agencies, after providing*  
16 *an opportunity for all interested parties to comment.*

17 *(3) The office may seek information from other states, the*  
18 *federal government, and other nations to inform implementation*  
19 *of this section.*

20 *(d) (1) The office shall adopt regulations to establish, by*  
21 *January 1, 2028, a petitioning process for the exemption of a food*  
22 *or ingredient from the “particularly harmful ultraprocessed food”*  
23 *or “particularly harmful UPF” designation.*

24 *(2) The petitioning process shall include a petitioning fee, which*  
25 *shall not exceed the office’s reasonable costs of administering this*  
26 *subdivision.*

27 SEC. 8. Section 110028 is added to the Health and Safety Code,  
28 to read:

29 110028. ~~“Ultraprocessed food”~~ *(a) Except as provided in subdivision*  
30 *(b), “ultraprocessed food” or “UPF” means any food or beverage*  
31 *that contains high amounts of saturated fat, sodium, or added*  
32 *sugar, as determined pursuant to paragraph (1) of subdivision (b)*  
33 *of Section 101.54 of Title 21 of the Code of Federal Regulations,*  
34 *and contains one or more of the following substances:*

35 ~~(a)~~

36 *(1) Substances not available in the United States Food and Drug*  
37 *Administration (FDA) Substances Added to Food database but*  
38 *having any of the following FDA-defined technical effects:*

39 ~~(1)~~

- 1 (A) Surface-active agents, as defined in Section 170.3(o)(29)  
2 of Title 21 of the Code of Federal Regulations.  
3 (2)  
4 (B) Stabilizers and thickeners, as defined in Section 170.3(o)(28)  
5 of Title 21 of the Code of Federal Regulations.  
6 (3)  
7 (C) Propellants, aerating agents, and gases, as defined in Section  
8 170.3(o)(25) of Title 21 of the Code of Federal Regulations.  
9 (4)  
10 (D) Colors and coloring adjuncts, as defined in Section  
11 170.3(o)(4) of Title 21 of the Code of Federal Regulations.  
12 (5)  
13 (E) Emulsifiers and emulsifier salts, as defined in Section  
14 170.3(o)(8) of Title 21 of the Code of Federal Regulations.  
15 (6)  
16 (F) Flavoring agents and adjuvants, as defined in Section  
17 170.3(o)(12) of Title 21 of the Code of Federal Regulations,  
18 excluding spices and other natural seasonings and flavorings as  
19 listed in Section 182.10 of Title 21 of the Code of Federal  
20 Regulations.  
21 (7)  
22 (G) Flavor enhancers, as defined in Section 170.3(o)(11) of  
23 Title 21 of the Code of Federal Regulations, excluding spices and  
24 other natural seasonings and flavorings as listed in Section 182.10  
25 of Title 21 of the Code of Federal Regulations.  
26 ~~(8) Surface-finishing agents, as defined in Section 170.3(o)(30)~~  
27 ~~of Title 21 of the Code of Federal Regulations.~~  
28 (9)  
29 (H) Non-nutritive sweeteners, as defined in Section 170.3(o)(19)  
30 of Title 21 of the Code of Federal Regulations.  
31 (b)  
32 (2) Substances available in the FDA Substances Added to Food  
33 database that are designated as having any of the FDA-defined  
34 technical effects listed in ~~subdivision (a), paragraph (1)~~, excluding  
35 spices and other natural seasonings and flavorings, as listed in  
36 Section 182.10 of Title 21 of the Code of Federal ~~Regulations.~~  
37 *Regulations, and natural color additives, as listed in Part 73 of*  
38 *Title 21 of the Code of Federal Regulations.*  
39 (b) “Ultraprocessed food” or “UPF” does not include any of  
40 the following:

1 (1) *Commodity food specifically made available by the United*  
2 *States Department of Agriculture.*

3 (2) *A raw agricultural commodity as defined in Section 110020.*

4 (3) *An unprocessed locally grown or locally raised agricultural*  
5 *product as defined in paragraph (2) of subdivision (g) of Section*  
6 *210.21 of Title 7 of the Code of Federal Regulations.*

7 (4) *Minimally processed prepared food as defined in paragraph*  
8 *(4) of subdivision (a) of Section 49015 of the Food and Agricultural*  
9 *Code, which may include foods in a variety of forms, including,*  
10 *but not limited to, whole, cut, sliced, diced, canned, pureed, dried,*  
11 *and pasteurized.*

12 (5) *Class 1 milk as defined in Section 61932 of the Food and*  
13 *Agricultural Code.*

14 (6) *Alcoholic beverages as defined in Section 23004 of the*  
15 *Business and Professions Code.*

16 SEC. 9. Article 5.5 (commencing with Section 110656) is  
17 added to Chapter 5 of Part 5 of Division 104 of the Health and  
18 Safety Code, to read:

19  
20 Article 5.5. Ultraprocessed School Food

21  
22 110656. For purposes of this article, the following definitions  
23 apply:

24 (a) (1) "Category of food" means the following groups of food:

25 (A) Fruits.

26 (B) Vegetables.

27 (C) Grains.

28 (D) Cereals.

29 (E) Beans, peas, and lentils.

30 (F) Nuts, seeds, and soy products.

31 (G) Beverages.

32 (H) Dairy.

33 (I) Seafood.

34 (J) Poultry.

35 (K) Meat.

36 (L) Eggs.

37 (M) Condiments.

38 (N) Fats and oils.

39 (O) Herbs and spices.

(2) The office, by rule, may expand, clarify, or subdivide the groups of food enumerated in paragraph (1).

(b) “Food” means all food and beverages intended for sale or to be served to school pupils on campus during the schoolday.

(c) “Food product” means a finished product of food with a unique universal product code (UPC), other than food products reimbursed under programs authorized by the federal Richard B. Russell National School Lunch Act (Public Law 113-79) and the federal Child Nutrition Act of 1966 (42 U.S.C. Sec. 1771 et seq.), and foods provided by the United States Department of Agriculture Foods in Schools program.

(d) “Office” means the Office of Environmental Health Hazard Assessment.

(e) “Public entity” means the state, county, city, city and county, district, public authority, public agency, municipal corporation, or any other political subdivision or public corporation in the state.

(f) “School” means a high school, middle school, or elementary school, as those terms are defined in Section 49430 of the Education Code, or any public entity that purchases a food product to provide to pupils on campus during the schoolday in an elementary, middle, or high school.

(g) “Schoolday” has the same meaning as in Section 49430 of the Education Code.

(h) “*Ultraprocessed food*” means any food or beverage that is not listed in subdivision (b) of Section 110028 and that contains one or more of the substances specified in paragraph (1) or (2) of subdivision (a) of Section 110028.

110657. (a) No later than January 1, 2028, a school shall begin to phase out particularly harmful UPFs.

(b) Beginning January 1, 2032, a vendor shall not offer particularly harmful UPFs to a school.

110658. (a) On or before February 1, 2027, and on or before February 1 of each year thereafter through February 1, 2032, any vendor of food or food products to a school shall report the following information to the office for each food product sold to a school in the past calendar year, to the extent it is known to the vendor:

(1) The total quantity of that food product sold to schools.

(2) The name of the food product.

(3) Whether the food product is a UPF: *an ultraprocessed food*.

1 (4) Whether the food product is a particularly harmful UPF.

2 (5) The Global Trade Item Number (GTIN) of the food product,  
3 if applicable.

4 (6) The category or categories of food to which the food product  
5 belongs.

6 (7) The average total calories in each food product sold to  
7 schools that year.

8 (8) The average price charged for each food product sold to  
9 schools that year.

10 (9) The ingredient list of the food product.

11 (10) The nutritional facts of the food product.

12 (11) Estimates of the amount of ~~UPF~~ *ultraprocessed food* items  
13 sold or served to pupils on campus during the schoolday.

14 (12) Estimates of the amount of competitive—UPFs  
15 *ultraprocessed foods* sold to pupils on campus during the schoolday  
16 in elementary, middle, and high schools.

17 (b) The requirements of subdivision (a) do not apply to:

18 (1) A cottage food operation that is registered or has a permit  
19 pursuant to Section 114365.

20 (2) A microenterprise home kitchen, as defined in Section  
21 113825.

22 (3) A small business, as defined under Section 14837 of the  
23 Government Code.

24 (c) This section shall remain in effect only until January 1, 2033,  
25 and as of that date is repealed.

26 110658.5. (a) On or before July 1, 2027, and on or before July  
27 1 of each year thereafter through July 1, 2032, the office, in  
28 consultation with the Department of Education and using  
29 information reported pursuant to Section 110658, shall submit to  
30 the Legislature a written report containing all of the following  
31 information:

32 (1) A summary and analysis of information reported pursuant  
33 to Section 110658 for the prior year.

34 (2) A summary and analysis of the progress of the *particularly*  
35 *harmful* UPF phaseout required by this article.

36 (3) Estimates of the amount of foods that are not—UPF  
37 *ultraprocessed food* items and are sold or served to pupils on  
38 campus during the schoolday in elementary, middle, and high  
39 schools.

1 (4) Estimates of the portion of the average elementary school,  
2 middle school, and high school student's school food intake, in  
3 calories, that is composed of ~~UPFs~~ *ultraprocessed foods*.

4 (5) A strategy for reducing the consumption of ~~UPFs~~  
5 *ultraprocessed foods* and particularly harmful UPFs in schools.

6 (6) Analysis of the feasibility of reducing the sale or service of  
7 UPFs and particularly harmful UPFs in schools.

8 (7) Any actions the office or the Department of Education plans  
9 to take regarding ~~UPFs~~ *ultraprocessed foods* and particularly  
10 harmful UPFs.

11 (8) Recommendations for state and local legislative actions that  
12 could reduce the consumption of ~~UPFs~~ *ultraprocessed foods* and  
13 particularly harmful UPFs in schools.

14 (b) A report to be submitted to the Legislature pursuant to  
15 subdivision (a) shall be submitted in compliance with Section 9795  
16 of the Government Code.

17 (c) The office shall annually submit the report prepared pursuant  
18 to subdivision (a) to the Governor.

19 (d) The office shall make the report prepared pursuant to  
20 subdivision (a) publicly available on its internet website.

21 (e) This section shall remain in effect only until January 1, 2033,  
22 and as of that date is repealed.

23 110659. This article does not prohibit a public entity from  
24 voluntarily enacting more stringent restrictions on ~~UPFs~~  
25 *ultraprocessed foods* or particularly harmful UPFs.

26 SEC. 10. No reimbursement is required by this act pursuant to  
27 Section 6 of Article XIII B of the California Constitution for certain  
28 costs that may be incurred by a local agency or school district  
29 because, in that regard, this act creates a new crime or infraction,  
30 eliminates a crime or infraction, or changes the penalty for a crime  
31 or infraction, within the meaning of Section 17556 of the  
32 Government Code, or changes the definition of a crime within the  
33 meaning of Section 6 of Article XIII B of the California  
34 Constitution.

35 However, if the Commission on State Mandates determines that  
36 this act contains other costs mandated by the state, reimbursement  
37 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O