DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 12, 2011 **BILL NUMBER:** AB 688
POSITION: Neutral **AUTHOR:** R. Pan

BILL SUMMARY: Food and Drugs: Sale

This bill would prohibit a retailer from selling infant formula, baby food, and over-the-counter (OTC) drugs, as defined, after the "use by," "use before," or expiration date provided on the product's packaging pursuant to federal law.

This bill would make a violation of its provisions an infraction, punishable by a fine of not more than $10 per day.

FISCAL SUMMARY

The Department of Public Health (DPH) estimates that workload associated with the implementation of this bill would be minor and absorbable within existing resources.

COMMENTS

The Department of Finance is neutral in regards to this bill, as it would result in minor, absorbable costs to the state.

Current law establishes the Sherman Food, Drug, and Cosmetic Law (Sherman Act), which authorizes the DPH to regulate the contents, packaging, labeling, and advertising of food, drugs, and cosmetics in California.

This bill would prohibit a retailer from selling, after the expiration or "use by" or "use before" date, infant formula or baby food that is required to have this date on its packaging pursuant to federal law. Additionally, this bill also would prohibit a retailer from selling, after the expiration or "use by" or "use before" date, an over-the-counter drug, as defined, that is required to have this expiration date on its packaging pursuant to federal law. This bill would make a violation of its provisions an infraction, punishable by a fine of not more than $10 per day.

Code/Department Agency or Revenue Type	SO LA CO RV	(Fiscal Impact by Fiscal Year) (Dollars in Thousands) PROP 98	FC	2011-2012	FC	2012-2013	FC	2013-2014	Fund Code
4265/PublicHealth	SO	No	---------- No/Minor Fiscal Impact ----------						0001

Analyst/Principal Date Assistant Program Budget Manager Date
(0551) B. Nunes

Department Deputy Director Date

Governor's Office: By: Date: Position Approved_____
Position Disapproved_____