

Legal Alerts

California's Food Additive and Ingredient Disclosure Bill Stalls, but Scrutiny Continues

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[California Assembly Bill 2034](#) (AB 2034) passed the Assembly Health Committee on April 7, 2026, and the Assembly Committee on Environmental Safety and Toxic Materials on April 14, 2026, but was held under submission in the Assembly Appropriations Committee on May 14, 2026, and has not been enacted. If enacted, the bill would amend California's Sherman Food, Drug and Cosmetic Law to deem a food additive or dietary ingredient unsafe unless the substance and its intended use satisfy a recognized safe harbor.

Key Provisions of AB 2034

As reflected in the April 16, 2026, amended bill text, AB 2034, if enacted, would:

- **Deem certain food additives and dietary ingredients unsafe absent a recognized safe harbor.** The bill would deem a food additive or dietary ingredient unsafe unless the substance and its intended use satisfy one of the following safe harbors: (a) for substances and intended uses introduced after January 1, 1958 but before January 1, 2027, use in accordance with a notice published by the California Department of Public Health (CDPH); (b) a Food and Drug Administration (FDA) Generally Recognized as Safe (GRAS) notice with a current FDA "no questions" letter; (c) recognition in federal regulations as an approved food additive, prior-sanctioned substance or GRAS substance; (d) an effective food-contact substance premarket notification; or (e) a new dietary ingredient notification with a current FDA acknowledgment letter without objection. Substances widely used in the United States before 1958 without known harmful effects would generally be exempt.
- **Establish a CDPH notice-verification process and public database.** CDPH would have 60 days to verify whether a submitted notice contains the required information (described in 21 C.F.R. Sections 170.225 through 170.255) and either publish the notice in a public database or issue a rejection letter.
- **Require ingredient-level disclosure to CDPH for non-labeled ingredients.** Manufacturers of covered packaged food products sold in California would need to report to CDPH any product that does not individually list each ingredient on the product label. For those products, the manufacturer would need to identify each undisclosed ingredient by common or usual name and relevant identifiers (including CAS number, FEMA number or a published California notice) and specify whether the ingredient is a natural flavor, artificial flavor, artificial color or spice under 21 C.F.R. Section 101.22. Importantly, this disclosure obligation runs to CDPH and would not require changes to product packaging or labeling.

Because violations of the Sherman Law are punishable as misdemeanors, AB 2034 would, if enacted, create new bases for misdemeanor liability. The bill includes a small-business exemption (independently owned businesses with 100 or fewer employees) from the unsafe-substance and notice requirements, and a separate exemption from the ingredient-disclosure requirements for manufacturers, distributors and retailers with less than \$1 million in total annual food-product sales (inside and outside California). Under the bill's sell-through allowance, qualifying California retailers and similar vendors could continue to sell food acquired before July 1, 2027, through the expiration or "best by" date on the packaging, but no later than July 1, 2030.

AB 2034 does not appear to create a new express private right of action. If enacted, violations would fall within the Sherman Law's existing enforcement framework, including misdemeanor penalties, CDPH administrative civil penalties, embargo and condemnation remedies, and public injunctive actions. The absence of an express private right does not eliminate private litigation risk, however. Alleged violations of California food-safety or disclosure requirements may still serve as predicates for claims under California's Unfair Competition Law or related consumer-protection theories, subject to ordinary standing, causation, remedy, preemption and pleading defenses.

Why This Still Matters

Although AB 2034 has stalled in the Assembly Appropriations Committee, food additive and ingredient-disclosure scrutiny remains active. California has recently enacted other food-chemical laws, and on August 10, 2026, the FDA proposed a federal rule that would convert the current voluntary GRAS notification program into a mandatory notification program for certain GRAS conclusions. Public comments on the proposed federal GRAS rule are due December 9, 2026. Companies in the food supply chain should not treat the bill's stall as an all-clear signal.

Considerations and Recommended Actions

Brands, investors, retailers, distributors, co-packers, flavor houses, ingredient suppliers and packaging vendors with exposure to the California market should consider the following practical steps:

- Inventory California-sold products and identify products using collective label terms such as "natural flavor," "artificial flavor," "artificial color" or "spice" on product labels.
- Assess whether key food additives and dietary ingredients in those products rely solely on self-determined GRAS conclusions that have not been the subject of an FDA GRAS notice with a "no questions" letter or other recognized safe harbor.
- Update supplier contracts and diligence requests to obtain ingredient identity, regulatory-status, intended-use, safety-data and change-notice information from ingredient suppliers, co-packers and flavor houses.

- Monitor AB 2034's status in the California Legislature, the FDA's proposed federal GRAS rule and other state and federal food-chemical regulatory developments.

If you have any questions about how AB 2034 could affect your products or operations in California, please contact Foster Garvey's [Food & Beverage](#) team.

The information above involves complex legal considerations and is provided for general informational purposes only. It does not constitute legal advice. For guidance on specific legal matters, you should consult with an attorney. Foster Garvey requires engagement letters to establish the attorney-client relationship for new (or returning) clients and requires written confirmation to expand the scope of representation for existing clients.

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