

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

EXECUTIVE ORDER N-1-25

WHEREAS emerging scientific evidence has linked “ultra-processed foods” to increased health risks, including some cardiovascular conditions, certain cancers, diabetes, and other health problems; and

WHEREAS ultra-processed foods are generally characterized as industrial formulations of chemically modified substances extracted from foods, along with additives to enhance taste, texture, appearance, and durability, with minimal to no inclusion of whole foods, with the following among common examples that are linked to negative health outcomes: packaged snacks, chips, crackers, cookies, candy, sugary beverages, and highly processed meats like hot dogs and lunch meat; and

WHEREAS experts have estimated that more than 10,000 chemicals are currently authorized for use in the United States as food or color additives or ingredients, while just over 300 food additives are currently authorized for use in the European Union; and

WHEREAS the U.S. Department of Agriculture's 2025 Dietary Guidelines Advisory Committee issued a systematic review in December 2024 assessing available scientific evidence that confirmed the link between consumption of ultra-processed foods and greater risks of obesity and being overweight in adults and greater risks of being overweight in children and adolescents; and

WHEREAS, despite this emerging evidence, food companies have opposed efforts across the country to regulate ultra-processed foods and the proliferation of food additives, while continuing to market and sell their products without disclosing to consumers the potential harms their products may cause; and

WHEREAS the new 2025 Dietary Guidelines Advisory Committee Advisory Report to the federal Secretaries of Health and Human Services and Agriculture found that 73 percent of U.S. adults 20 years and older are overweight or obese; and

WHEREAS the report also found that 38 percent of children and youth between 12 and 19 years old are prediabetic; and

WHEREAS the report states that the prevalence of conditions such as overweight, obesity, and prediabetes at young ages is particularly concerning not only due to their effects on the current health of the child but also the risks of persistent chronic health conditions into adulthood; and

WHEREAS data in the report shows significant disparities in prevalence of nutrition-related chronic health conditions among sociodemographic groups; and

WHEREAS the report concludes that diets higher in vegetables, fruits, legumes, whole grains, fish/seafood, nuts, and unsaturated vegetable oils, and lower in processed meats, sugar-sweetened foods and beverages, refined grains, and saturated fats were associated favorably with health outcomes, such as lower risks of cardiovascular disease, type 2 diabetes, obesity, age-related cognitive decline, and colorectal and breast cancer; and

WHEREAS California was the first state to implement a statewide Universal Meals Program for schoolchildren, providing all public TK-12 students access to two free meals per school day; and

WHEREAS I signed Senate Bill 348 (Skinner, 2023), making California the first state to codify President Biden's new federal guidelines on school nutrition standards to reduce sugar and salt in school meals, and establishing a process for California to maintain those standards should a different federal Administration enact lower standards that are less protective of children's health; and

WHEREAS I signed AB 418 (Gabriel, 2023) and AB 2316 (Gabriel, 2024), banning four potentially harmful chemical food additives from products sold statewide, including red dye 3 and brominated vegetable oil, which is often used as a stabilizer in citrus-flavored beverages, and prohibiting schools from serving and selling foods containing synthetic food dye additives associated with risks to health harms in children, including cancer, damage to the immune system, and neurobehavioral issues; and

WHEREAS California already has adopted or proposed standards for school meals that exceed the federal standards, including:

- The long-standing ban on sodas on K-12 campuses;
- Restricting caffeine at any grade level, while federal standards allow caffeine in high schools;
- Requiring entrees sold on the same day or day after they appear on the menu to meet standards for calories, total fat, and trans fat, while federal standards allow these to be sold without meeting nutrition standards; and
- Proposed a sugar limit on non-dairy milk, which is anticipated to become effective in 2025, while federal standards do not have a sugar limit; and

WHEREAS under my Administration, California has invested \$850 million in school nutrition, including funds to procure fresh, locally grown foods; install and improve kitchen equipment; and train food service workers so schools can prepare and serve nutritious and healthy food; and

WHEREAS in 2024, I signed legislation to increase enrollment in state food assistance programs, reduce youth consumption of processed foods, and increase access to healthy, locally grown food in all California communities, including:

- AB 660 (Irwin, 2024): Standardizes quality and safety date labels on food products to better inform consumers and significantly reduce food waste in the state;
- AB 518 (Wicks, 2024): Improves data collection to increase enrollment in the CalFresh program;
- AB 1830 (Arambula, 2024): Requires corn masa and corn masa products to be fortified with folic acid to support women's health during pregnancy;
- AB 2033 (Reyes, 2024): Requires the California Community Colleges and California State University campuses, and requests University of California campuses, to apply for at least one store that sells food on campuses to accept SNAP/EBT cards; and
- AB 2786 (Bonta, 2024): Establishes a new category of "certified mobile farmer's markets" and requires registration of these markets with both the California Department of Food and Agriculture (CDFA) and the California Department of Public Health (CDPH); and

WHEREAS my Administration has expanded investments in CDFA's farm-to-schools programs, a vital way to improve the health and well-being of California

schoolchildren through integrated food-based education and healthy food access and created a Farm to School Working Group to advance a resilient, climate-smart food supply; and

WHEREAS the First Partner released a report, *Planting the Seed: Farm to School Roadmap for Success*, promoting the expansion of farm-to-school programs across California; and

WHEREAS California grows one-third of the country's vegetables and over three-quarters of the country's fruits and nuts, and the 2024-25 enacted budget maintains \$1 billion over multiple years for climate smart agriculture investments to help foster a healthy, resilient, accessible, and equitable food system, underscoring the critical leadership role California must continue to play in advancing policy, responsive to the latest scientific evidence, that promotes positive health outcomes for all; and

WHEREAS California's health system is being increasingly strained due to rapidly increasing costs for prescription drugs that combat diabetes, obesity and other chronic health conditions; and

WHEREAS the National Institute of Health and the Centers for Disease Control & Prevention identifies the link between healthy eating and lowering an individual's risk for heart disease, stroke, diabetes, and other chronic health conditions; and

WHEREAS California has responded by launching new initiatives, such as the inclusion of Medically Tailored Meals as an optional Medi-Cal benefit under the Department of Health Care Services' CalAIM Medi-Cal Waiver, CDPH's Rethink Your Drink campaign to reduce consumption of sugary drinks, and nearly \$44 million in forthcoming contracts focused on public education to reduce consumption of sugar-sweetened beverages; and

WHEREAS California promotes the Women, Infant and Children (WIC) program to ensure all eligible participants have access to nutritious foods, nutrition education, infant feeding support, and referrals to health care and critical social services, resulting in positive maternal and child health outcomes, including healthy growth and development, improved birth outcomes, fewer preterm births, and low birthweights; and

WHEREAS California must continue innovating to reduce the burden of chronic health conditions on all Californians, and particularly our youth, and the public programs that assist in their treatment and recovery.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

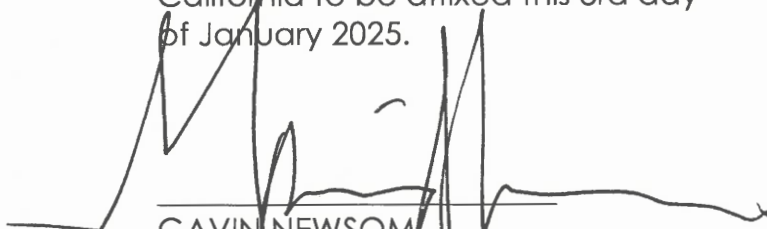
1. No later than April 1, 2025, the California Department of Public Health (CDPH) shall provide recommendations to the Governor's Office regarding potential action to limit the harms associated with "ultra-processed foods" and food ingredients that pose a health risk to individuals. Such recommendations may include, but are not necessarily limited to, requiring the inclusion of warning labels for certain ultra-processed foods.

2. The Office of Environmental Health Hazard Assessment (OEHHA), in consultation with CDPH, shall continue their work to investigate adverse health impacts of food dyes to individuals and shall, no later than April 1, 2025, provide a briefing to the Governor's Office on any additional adverse health impacts identified through that investigation.
3. No later than April 1, 2025, CDPH, in consultation with OEHHA, shall report to the Governor's Office on the feasibility of state-level evaluation of food additives that food companies have voluntarily reported to the federal Food & Drug Administration (FDA) as "Generally Regarded As Safe (GRAS)" and state-level action if companies fail to notify the FDA of certain food additives through the voluntary GRAS process.
4. No later than April 1, 2025, the California Department of Social Services shall provide recommendations to the Governor's Office regarding actions that the State can take to reduce the purchase of soda, candy, other ultra-processed foods and/or foods with synthetic food dye or other additives.
5. No later than April 1, 2025, the California Department of Health Care Services (DHCS) shall report to the Governor's Office on the feasibility of requiring or encouraging Medi-Cal managed care plans and California hospitals to use their Community Investment dollars and Community Benefit funds to enhance access to fresh, healthy foods, mitigate the impacts of "food deserts," and otherwise promote public health at the local level. DHCS shall consult with the California Department of Food and Agriculture (CDFA) and its Office of Farm to Fork, as appropriate.
6. No later than October 1, 2025, the Executive Director of the State Board of Education shall identify, and the California Department of Education is requested to identify, areas where California may adopt higher standards for healthy school meals than the standards contained in the U.S. Department of Agriculture's *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*, beyond those areas where California already has stricter standards, and provide recommendations to the Governor's Office for implementing any higher standards deemed appropriate, taking into account costs, logistical considerations, and any other factors deemed relevant.
7. No later than October 1, 2025, CDFA and its Office of Farm to Fork Program shall explore developing new standards and partnerships to further ensure our universal school food programs have fresh ingredients and options grown in California and shall redouble its efforts to support the nation-leading investments to support farm-to-school programs statewide, particularly in areas with existing gaps in access to healthy, fresh food. CDFA shall consult with CDPH's Nutrition and Physical Activity Branch, as appropriate.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 3rd day
of January 2025.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State