

- (1) Enforce standards for growing, harvesting, packing, and holding of produce for human consumption and administer the provisions of proposed law.
- (2) Enter the premises of any covered produce farm during reasonable hours to inspect the growing, harvesting, packing, and holding of produce.
- (3) Investigate the organization, business, conduct, practices, and management of any covered produce farm engaged in intrastate commerce.
- (4) Inspect or copy any covered produce farm record related to the growing, harvesting, packing, or holding of produce.
- (5) Issue stop orders prohibiting the growing, harvesting, packing, or holding of produce.

Proposed law provides that a person shall not impede, obstruct, hinder, or otherwise prevent or attempt to prevent the department, an inspector of the department, or any employee of the department in the performance of his duties.

Proposed law provides that nothing in proposed law shall limit the commissioner's authority to respond to an emergency in order to prevent a public health hazard.

Proposed law requires any person, firm, or corporation owning or operating a covered produce farm in Louisiana to do the following:

- (1) Register with the department on an annual basis no later than July first of each year.
- (2) Update their registration with the department within 90 days of any changes in activity on the covered produce farm.
- (3) Maintain all records required by the rules adopted pursuant to proposed law and make those records available to the department upon request.
- (4) File with the commissioner annual or special reports and answers in writing.

Proposed law subjects any person, firm, or corporation convicted of any of the following offenses to a fine of not more than \$500:

- (1) To willfully make, or cause to be made, any false entry or statement of fact.
- (2) To willfully make, or cause to be made, any false entry in any account, record, or memorandum required pursuant to proposed law.
- (3) To willfully neglect or fail to make full, true, and factual entries in any accounts, records, or memoranda required pursuant to proposed law.

- (4) To willfully remove out of the state's jurisdiction, or mutilate, alter, or by any other means falsify any documentary evidence required pursuant to proposed law.
- (5) To willfully refuse to submit to the commissioner or to his authorized agents, for the purpose of inspection and making copies, any documentary evidence required pursuant to proposed law.

Proposed law prohibits the department from imposing a fine pursuant to the provisions of proposed law if the federal government has imposed a fine for the same violation pursuant to provisions of the FDA Food Safety Modernization Act.

Proposed law authorizes the commissioner to impose a civil penalty of not more than \$100 for violations of proposed law.

Proposed law provides that penalties may only be assessed by a ruling of the commissioner based upon an adjudicatory hearing held in accordance with the APA.

Proposed law provides that no provision of proposed law shall be construed as eliminating or diminishing the authority of the LDH to regulate food as provided in present law.

Proposed law designates LDH as the state agency responsible for cooperating with the secretary of the U.S. Department of Health and Human Services regarding provisions of the FDA Food Safety Modernization Act that fall within its authority granted in present law.

Proposed law shall remain in effect only as long as the federal funds required to implement the provisions of the FDA Food Safety Modernization Act are provided.

Proposed law shall be null and void upon the date of repeal of 21 C.F.R. Part 112.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 3:921-928)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Specifies that the definition of "covered produce farm" does not include farms that have \$25,000 or less of gross income from sales of produce in a year.