

SENATE SUMMARY OF HOUSE AMENDMENTS**SB 152****2019 Regular Session****Thompson****KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

AGRICULTURAL COMMODITIES. Provides for truth in labeling requirements of food products. (10/1/20)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Changes terminology in the bill to regulate "food" products.
2. Adds definition of "food product".
3. Technical amendments.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**DIGEST**

SB 152 Reengrossed

2019 Regular Session

Thompson

Proposed law provides for the "Truth in Labeling of Food Products Act" for the purpose of protecting consumers from misleading and false labeling of food products that are edible by humans.

Proposed law provides for the following definitions:

- (1) "Agricultural product" means any beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, shrimp, meat, sugar, or rice product that is edible by humans.
- (2) "Beef" means the flesh of a domesticated bovine that is edible by humans.
- (3) "Beef product" means a type of agricultural product that is edible by humans and produced in whole or in part from beef, including beef jerky, beef patties, chopped beef, fabricated steak, hamburger, ground beef, ribs, and roast.
- (4) "Cell cultured food product" means any cultured animal tissue produced from in vitro animal cell cultures outside of the organism from which it is derived.
- (5) "Commissioner" means the commissioner of agriculture and forestry.
- (6) "Deceptively similar" means misleading to a reasonable person.
- (7) "Food product" means any edible product sold or offered for retail sale that is intended for human consumption.
- (8) "Label" means a display of written, printed, or graphic matter upon or affixed to the container or wrapper in which an agricultural product is offered for direct retail sale.
- (9) "Labeling" means the act of identifying, describing, or advertising a food product by means of a label or through other means.
- (10) "Meat" means a portion of a beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass that is edible by humans but does not include a:

- (a) Synthetic product derived from a plant, insect, or other source.
- (b) Cell cultured food product grown in a laboratory from animal cells.
- (11) "Meat product" means a type of agricultural product that is edible by humans and made wholly or in part from meat or another portion of a beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass.
- (12) "Misbrand" means to intentionally identify or label a food product in a false or misleading way.
- (13) "Misrepresent" means to intentionally use any untrue, misleading, or deceptive oral or written statement, advertisement, label, display, picture, illustration, or sample.
- (14) "Person" means an individual, partnership, limited liability company, limited liability partnership, corporation, trust, firm, company, or other entity doing business in Louisiana.
- (15) "Pork" means the flesh of a domesticated swine that is edible by humans.
- (16) "Pork product" means a type of agricultural product that is edible by humans and produced in whole or in part from pork, including bacon, bratwurst, ground pork, ham, pork chops, ribs, roast, and sausage.
- (17) "Poultry" means domesticated birds that are edible by humans.
- (18) "Rice" means the whole or broken kernels obtained from the species *Oryza sativa* L. or *Oryza glaberrima*, or wild rice, which is obtained from one of the four species of grasses from the genus *Zizania* or *Porteresia*.

Proposed law applies to a person that places a label on a food product that is defined by law.

Proposed law prohibits intentionally misbranding or misrepresenting a food product as an agricultural product through any activity including:

- (1) Affixing a label to a food product that is false or misleading.
- (2) Selling a food product under the name of an agricultural product.
- (3) Representing a food product as an agricultural product for which a definition and standard of identity has been provided by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq., unless:
 - (a) The food product conforms to the definition and standard.
 - (b) The label of the food product bears the name of the food specified in the definition and standard and includes the common names of optional ingredients other than spices, flavoring, and coloring present in the food as regulations require.
- (4) Representing a food product as meat or a meat product when the food product is not derived from a harvested beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass.
- (5) Representing a food product as rice when the food product is not rice.
- (6) Representing a food product as beef or a beef product when the food product is not derived from a domesticated bovine.
- (7) Representing a food product as pork or a pork product when the food product is not derived from a domesticated swine.

- (8) Representing a food product as poultry when the food product is not derived from domesticated birds.
- (9) Utilizing a term that is the same as or deceptively similar to a term that has been used or defined historically in reference to a specific agricultural product.
- (10) Affixing a label that uses the term "rice" in the name of the food product when the food product is not rice or derived from rice.
- (11) Representing a cell cultured food product as a meat product.
- (12) Representing a food product as sugar when it is not an unaltered plant-based simple sugar or sucrose.

Proposed law requires the commissioner to administer and enforce the provisions of proposed law and adopt rules and regulations as are necessary to enforce the provisions of proposed law.

Proposed law authorizes the commissioner to:

- (1) Employ personnel to enforce the provisions of proposed law.
- (2) Receive and investigate complaints.
- (3) Seek and obtain injunctive or other civil relief to restrain and prevent violations of proposed law.
- (4) Institute civil proceedings to enforce his rulings or collect any penalties due.

Proposed law provides for a civil penalty of not more than \$500 for violations. Each day on which a violation occurs is a separate offense.

Proposed law authorizes penalties to be assessed by a ruling of the commissioner based upon an adjudicatory hearing held by the La. Commission of Weights and Measures. Further authorizes the commissioner to assess the proportionate costs of the adjudicatory hearing against the offender.

Proposed law authorizes the commissioner to institute civil proceedings to enforce his rulings or seek injunctive relief to restrain and prevent the violation of the provisions of proposed law.

Effective October 1, 2020.

(Adds R.S. 3:4741- 4746)

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