

2019 Regular Session

SENATE BILL NO. 152

BY SENATOR THOMPSON AND REPRESENTATIVE STEFANSKI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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

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AN ACT

To enact Part III of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4741 through 4746, relative to the labeling of agricultural products; to provide for truth in labeling requirements; to provide for definitions; to provide for powers of the commissioner; to authorize the commissioner to adopt rules; to prohibit misbranding or misrepresenting an agricultural product through certain activities; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part III of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:4741 through 4746, is hereby enacted to read as follows:

Part III. TRUTH IN LABELING OF AGRICULTURAL PRODUCTS

§4741. Short title

This Part shall be known and may be cited as the "Truth in Labeling of Agricultural Products Act".

§4742. Purpose

The purpose of this Part is to protect consumers from misleading and false labeling of agricultural products that are edible by humans.

1 **§4743. Definitions**

2 **As used in this Part:**

3 **(1) "Agricultural product" means any beef, pork, poultry, crawfish,**
4 **shrimp, meat, sugar, or rice product that is edible by humans.**

5 **(2) "Beef" means the flesh of a domesticated bovine that is edible by**
6 **humans.**

7 **(3) "Beef product" means a type of agricultural product that is edible by**
8 **humans and produced in whole or in part from beef, including beef jerky, beef**
9 **patties, chopped beef, fabricated steak, hamburger, ground beef, ribs, and roast.**

10 **(4) "Cell cultured food product" means any cultured animal tissue**
11 **produced from in vitro animal cell cultures outside of the organism from which**
12 **it is derived.**

13 **(5) "Commissioner" means the commissioner of agriculture and**
14 **forestry.**

15 **(6) "Deceptively similar" means packaging that could mislead a**
16 **reasonable person.**

17 **(7) "Label" means a display of written, printed, or graphic matter upon**
18 **or affixed to the container or wrapper in which an agricultural product is**
19 **offered for direct retail sale.**

20 **(8) "Labeling" means the act of identifying, describing, or advertising**
21 **an agricultural product by means of a label or through other means.**

22 **(9) "Meat" means a portion of a beef, pork, poultry, alligator, farm-**
23 **raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass that is edible**
24 **by humans but does not include a:**

25 **(a) Synthetic product derived from a plant, insect, or other source.**

26 **(b) Cell cultured food product grown in a laboratory from animal cells.**

27 **(10) "Meat product" means a type of agricultural product that is edible**
28 **by humans and made wholly or in part from meat or another portion of a beef,**
29 **pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or**

1 shrimp carcass.

2 (11) "Misbrand" means to intentionally identify or label an agricultural
3 product in a false or misleading way.

4 (12) "Misrepresent" means to intentionally use any untrue, misleading,
5 or deceptive oral or written statement, advertisement, label, display, picture,
6 illustration, or sample.

7 (13) "Person" means an individual, partnership, limited liability
8 company, limited liability partnership, corporation, trust, firm, company, or
9 other entity doing business in Louisiana.

10 (14) "Pork" means the flesh of a domesticated swine that is edible by
11 humans.

12 (15) "Pork product" means a type of agricultural product that is edible
13 by humans and produced in whole or in part from pork, including bacon,
14 bratwurst, ground pork, ham, pork chops, ribs, roast, and sausage.

15 (16) "Poultry" means domesticated birds that are edible by humans.

16 (17) "Rice" means the whole or broken kernels obtained from the
17 species *Oryza sativa* L. or *Oryza glaberrima*, or wild rice, which is obtained
18 from one of the four species of grasses from the genus *Zizania* or *Porteresia*.

19 §4744. Applicability; prohibited activities

20 A. The provisions of this Part shall apply only to a person that places a
21 label on an agricultural product that is edible by humans.

22 B. A person shall not intentionally misbrand or misrepresent an
23 agricultural product through any activity including:

24 (1) Affixing a label to an agricultural product that is false or misleading.

25 (2) Selling an agricultural product under the name of another food.

26 (3) Representing an agricultural product as a food for which a definition
27 and standard of identity has been provided by the Federal Food, Drug, and
28 Cosmetic Act, 21 U.S.C. §301 et seq., unless:

29 (a) The agricultural product conforms to the definition and standard.

1 **(b) The label of the agricultural product bears the name of the food**
2 **specified in the definition and standard and includes the common names of**
3 **optional ingredients other than spices, flavoring, and coloring present in the**
4 **food as regulations require.**

5 **(4) Representing an agricultural product as meat or a meat product**
6 **when the agricultural product is not derived from a harvested beef, pork,**
7 **poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp**
8 **carcass.**

9 **(5) Representing an agricultural product as rice when the agricultural**
10 **product is not rice.**

11 **(6) Representing an agricultural product as beef or a beef product when**
12 **the agricultural product is not derived from a domesticated bovine.**

13 **(7) Representing an agricultural product as pork or a pork product when**
14 **the agricultural product is not derived from a domesticated swine.**

15 **(8) Representing an agricultural product as poultry when the**
16 **agricultural product is not derived from domesticated birds.**

17 **(9) Utilizing a term that is the same as or deceptively similar to a term**
18 **that has been used or defined historically in reference to a specific agricultural**
19 **product.**

20 **(10) Affixing a label that uses a variation of rice in the name of the**
21 **agricultural product when the agricultural product is not rice or derived from**
22 **rice.**

23 **(11) Representing a cell cultured food product as a meat product.**

24 **(12) Representing an agricultural product as sugar when it is not an**
25 **unaltered plant-based simple sugar or sucrose.**

26 **§4745. Powers**

27 **A. The commissioner of agriculture shall administer and enforce the**
28 **provisions of this Part and adopt rules and regulations to enforce the provisions**
29 **of this Part. All rules and regulations shall be adopted in accordance with the**

1 provisions of the Administrative Procedure Act.

2 B. The commissioner may:

3 (1) Employ personnel to enforce the provisions of this Part.

4 (2) Receive and investigate complaints regarding alleged violations of
5 this Part and the rules and regulations adopted pursuant to the provisions of
6 this Part.

7 (3) Seek and obtain injunctive or other civil relief to restrain and prevent
8 violations of this Part, rules and regulations adopted pursuant to this Part, or
9 orders and rulings issued by the commissioner pursuant to this Part.

10 (4) Institute civil proceedings to enforce his rulings or collect any
11 penalties due under this Part.

12 §4746. Penalties

13 A. A person who violates any provision of this Part or of any rule or
14 regulation adopted under the provisions of this Part shall be subject to a civil
15 penalty of not more than five hundred dollars for each violation. Each day on
16 which a violation occurs shall be a separate offense.

17 B. Penalties may be assessed only by a ruling of the commissioner based
18 upon an adjudicatory hearing held by the Louisiana Commission of Weights
19 and Measures pursuant to R.S. 3:4605.

20 C. In addition to civil penalties, the commissioner may assess the
21 proportionate costs of the adjudicatory hearing against the offender. The
22 commissioner shall determine the amount of costs to be assessed.

23 D. The commissioner may institute civil proceedings to enforce his
24 rulings in the district court for the parish in which the violation occurred.

25 E. The commissioner may institute civil proceedings seeking injunctive
26 relief to restrain and prevent the violation of the provisions of this Part, or of
27 the rules and regulations adopted under the provisions of this Part, in the
28 district court for the parish in which the violation occurred.

29 Section 2. This Act shall become effective on October 1, 2020.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 152 Engrossed 2019 Regular Session Thompson

Proposed law provides for the "Truth in Labeling of Agricultural Products Act" for the purpose of protecting consumers from misleading and false labeling of agricultural 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 packaging that could mislead a reasonable person.
- (7) "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.
- (8) "Labeling" means the act of identifying, describing, or advertising an agricultural product by means of a label or through other means.
- (9) "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.
- (10) "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.
- (11) "Misbrand" means to intentionally identify or label an agricultural product in a false or misleading way.
- (12) "Misrepresent" means to intentionally use any untrue, misleading, or deceptive oral or written statement, advertisement, label, display, picture, illustration, or sample.
- (13) "Person" means an individual, partnership, limited liability company, limited liability partnership, corporation, trust, firm, company, or other entity doing business in Louisiana.

- (14) "Pork" means the flesh of a domesticated swine that is edible by humans.
- (15) "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.
- (16) "Poultry" means domesticated birds that are edible by humans.
- (17) "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 an agricultural product that is edible by humans.

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

- (1) Affixing a label to an agricultural product that is false or misleading.
- (2) Selling an agricultural product under the name of another food.
- (3) Representing an agricultural product as a food 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 agricultural product conforms to the definition and standard.
 - (b) The label of the agricultural 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 an agricultural product as meat or a meat product when the agricultural product is not derived from a harvested beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass.
- (5) Representing an agricultural product as rice when the agricultural product is not rice.
- (6) Representing an agricultural product as beef or a beef product when the agricultural product is not derived from a domesticated bovine.
- (7) Representing an agricultural product as pork or a pork product when the agricultural product is not derived from a domesticated swine.
- (8) Representing an agricultural product as poultry when the agricultural 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 a variation of rice in the name of the agricultural product when the agricultural product is not rice or derived from rice.
- (11) Representing a cell cultured food product as a meat product.
- (12) Representing an agricultural 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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill

1. Changes the effective date from signature of the governor to October 1, 2020.
2. Adds meat and sugar to the definition of agricultural products.
3. Removes ground kernels and by-products from the definition of rice.
4. Adds alligator, farm-raised deer, turtle, and domestic rabbit to the definitions of meat and meat product.