

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. (gov sig)

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

11 **Part III. TRUTH IN LABELING OF AGRICULTURAL PRODUCTS**

12 **§4741. Short title**

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

15 **§4742. Purpose**

16 **The purpose of this Part is to protect consumers from misleading and**
17 **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, 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, crawfish, or shrimp**
23 **carcass that is edible by humans but does not include a:**

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

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

26 **(10) "Meat product" means a type of agricultural product that is edible**
27 **by humans and made wholly or in part from meat or another portion of a beef,**
28 **pork, poultry, crawfish, or shrimp carcass.**

29 **(11) "Misbrand" means to intentionally identify or label an agricultural**

1 product in a false or misleading way.

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

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

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

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

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

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

18 §4744. Applicability; prohibited activities

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

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

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

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

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

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

29 (b) The label of the agricultural product bears the name of the food

1 specified in the definition and standard and includes the common names of
2 optional ingredients other than spices, flavoring, and coloring present in the
3 food as regulations require.

4 (4) Representing an agricultural product as meat or a meat product
5 when the agricultural product is not derived from a harvested beef, pork,
6 poultry, crawfish, or shrimp carcass.

7 (5) Representing an agricultural product as rice when the agricultural
8 product is not rice.

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

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

13 (8) Representing an agricultural product as poultry when the
14 agricultural product is not derived from domesticated birds.

15 (9) Utilizing a term that is the same as or similar to a term that has been
16 used or defined historically in reference to a specific agricultural product.

17 (10) Affixing a label that uses a variation of rice in the name of the
18 agricultural product when the agricultural product is not rice or derived from
19 rice.

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

21 §4745. Powers

22 A. The commissioner of agriculture shall administer and enforce the
23 provisions of this Part and adopt rules and regulations to enforce the provisions
24 of this Part. All rules and regulations shall be adopted in accordance with the
25 provisions of the Administrative Procedure Act.

26 B. The commissioner may:

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

28 (2) Receive and investigate complaints regarding alleged violations of
29 this Part and the rules and regulations adopted pursuant to the provisions of

1 this Part.

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

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

7 §4746. Penalties

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

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

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

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

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

24 Section 2. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

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

DIGEST

SB 152 Original

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, crawfish, shrimp, 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, 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, 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, broken, or ground kernels or by-products 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, 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 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.

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

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