

2021 Regular Session

HOUSE BILL NO. 269

BY REPRESENTATIVE KERNER

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

PUBLIC HEALTH/OFFICE: Provides relative to destruction of imported food which is subject to an import ban

1 AN ACT

2 To amend and reenact R.S. 40:635, relative to functions of the Louisiana Department of
3 Health pertaining to food safety; to amend provisions of the State Food, Drug, and
4 Cosmetic Law; to provide relative to imported food products; to provide for the
5 destruction of certain food products that are subject to import bans; to provide for
6 construction of certain laws relating to public health; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:635 is hereby amended and reenacted to read as follows:

10 §635. Condemnation or destruction of perishables in certain cases

11 A. Whenever the department or its duly authorized officer or employee finds
12 in any factory, establishment, structure, or vehicle of transportation any meat,
13 seafood, poultry, vegetables, fruit, or other perishable articles which are unsound or
14 contain any filthy, decomposed, or putrid substance or that may be poisonous or
15 deleterious to health or otherwise unsafe for human consumption, the officer or
16 employee of the department designated by it shall immediately condemn or destroy
17 it or in any other manner render it unconsumable as human food.

18 B. Nothing in this Title shall be construed to prohibit any duly authorized
19 officer or employee of the department from causing the destruction of any meat,
20 seafood, poultry, vegetables, fruit, or other perishable articles which are of foreign

1 origin and found to be subject to an import ban issued by an agency of the federal
2 government and currently in effect.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 269 Original

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Kerner

Abstract: Provides within the State Food, Drug, and Cosmetic Law for destruction of imported food which is found to be subject to an import ban.

Present law known as the State Food, Drug, and Cosmetic Law provides that whenever a duly authorized officer or employee of the La. Department of Health (LDH) finds in any factory, establishment, structure, or vehicle of transportation any meat, seafood, poultry, vegetables, fruit, or other perishable articles which are unsound or contain any filthy, decomposed, or putrid substance or that may be poisonous or deleterious to health or otherwise unsafe for human consumption, a designated officer or employee of LDH shall immediately condemn or destroy it or in any other manner render it unconsumable as human food.

Proposed law retains present law and provides that nothing therein, or in any other provision of present law relative to public health, shall be construed to prohibit any duly authorized officer or employee of LDH from causing the destruction of any meat, seafood, poultry, vegetables, fruit, or other perishable articles which are of foreign origin and found to be subject to a federally issued import ban.

(Amends R.S. 40:635)