

SENATE BILL NO. 152

BY SENATOR THOMPSON AND REPRESENTATIVES ABRAHAM AND STEFANSKI

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

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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 a food 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 FOOD PRODUCTS

§4741. Short title

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

§4742. Purpose

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

§4743. Definitions

As used in this Part:

(1) "Agricultural product" means any beef, pork, poultry, 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

1 humans and produced in whole or in part from beef, including beef jerky, beef
2 patties, chopped beef, fabricated steak, hamburger, ground beef, ribs, and roast.

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

6 (5) "Commissioner" means the commissioner of agriculture and
7 forestry.

8 (6) "Deceptively similar" means misleading to a reasonable person.

9 (7) "Food product" means any edible product sold or offered for retail
10 sale that is intended for human consumption.

11 (8) "Label" means a display of written, printed, or graphic matter upon
12 or affixed to the container or wrapper in which a food product is offered for
13 direct retail sale.

14 (9) "Labeling" means the act of identifying, describing, or advertising
15 a food product by means of a label or through other means.

16 (10) "Meat" means a portion of a beef, pork, poultry, alligator,
17 farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass that is
18 edible by humans but does not include a:

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

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

21 (11) "Meat product" means a type of agricultural product that is edible
22 by humans and made wholly or in part from meat or another portion of a beef,
23 pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or
24 shrimp carcass.

25 (12) "Misbrand" means to intentionally identify or label a food product
26 in a false or misleading way.

27 (13) "Misrepresent" means to intentionally use any untrue, misleading,
28 or deceptive oral or written statement, advertisement, label, display, picture,
29 illustration, or sample.

30 (14) "Person" means an individual, partnership, limited liability

1 company, limited liability partnership, corporation, trust, firm, company, or
 2 other entity doing business in Louisiana.

3 (15) "Pork" means the flesh of a domesticated swine that is edible by
 4 humans.

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

8 (17) "Poultry" means domesticated birds that are edible by humans.

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

12 §4744. Applicability; prohibited activities

13 A. The provisions of this Part shall apply only to a person that places a
 14 label on a food product as defined in R.S. 3:4743(7).

15 B. No person shall intentionally misbrand or misrepresent any food
 16 product as an agricultural product through any activity including:

17 (1) Affixing a label to a food product that is false or misleading.

18 (2) Selling a food product under the name of an agricultural product.

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

22 (a) The food product conforms to the definition and standard.

23 (b) The label of the food product bears the name of the food specified in
 24 the definition and standard and includes the common names of optional
 25 ingredients other than spices, flavoring, and coloring present in the food as
 26 regulations require.

27 (4) Representing a food product as meat or a meat product when the
 28 food product is not derived from a harvested beef, pork, poultry, alligator,
 29 farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass.

30 (5) Representing a food product as rice when the food product is not rice.

1 **(6) Representing a food product as beef or a beef product when the food**
2 **product is not derived from a domesticated bovine.**

3 **(7) Representing a food product as pork or a pork product when the food**
4 **product is not derived from a domesticated swine.**

5 **(8) Representing a food product as poultry when the food product is not**
6 **derived from domesticated birds.**

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

10 **(10) Affixing a label that uses the term "rice" in the name of the food**
11 **product when the food product is not rice or derived from rice.**

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

13 **(12) Representing a food product as sugar when it is not an unaltered**
14 **plant-based simple sugar or sucrose.**

15 **§4745. Powers**

16 **A. The commissioner of agriculture shall administer and enforce the**
17 **provisions of this Part and adopt rules and regulations to enforce the provisions**
18 **of this Part. All rules and regulations shall be adopted in accordance with the**
19 **provisions of the Administrative Procedure Act.**

20 **B. The commissioner may:**

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

22 **(2) Receive and investigate complaints regarding alleged violations of**
23 **this Part and the rules and regulations adopted pursuant to the provisions of**
24 **this Part.**

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

28 **(4) Institute civil proceedings to enforce his rulings or collect any**
29 **penalties due under this Part.**

30 **§4746. Penalties**

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

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

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

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

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____