



Food Safety: State Legislation 2016

June 28, 2016

National Conference of State Legislatures



National Conference of State Legislatures

- Bipartisan organization, funded by state legislatures
- Serves the 7,383 legislators and 30,000+ legislative staff of the nation's 50 states, its commonwealths and territories (and Scotland)
- Covers every topic of state policy
 - State fiscal policy (appropriations and taxation)
 - State legislative management
- Activities:
 - ▶ Research and information on topics of interest to the states
 - ▶ Technical assistance and training
 - ▶ Opportunities for policymakers to exchange ideas
 - ▶ Lobbying at the federal level for states' interests



Food Safety

- NCSL tracks food safety laws and legislation in all 50 states, Washington, DC, and Puerto Rico.
- Topics covered range from safe food handling practices to the production and sale of raw milk.
- The Agriculture and Rural Legislation Database contains legislation spanning the years 2009-2014.
 - The database is readily accessible at :
<http://www.ncsl.org/issues-research/agri/agriculture-and-rural-development-legislation.aspx>, and is updated regularly to ensure the availability of information on the most current legislative developments.



Legislative Highlights

- 545 bills in 46 States and District of Columbia
- 71 bills in 25 States enacted on food safety
- 15 bills enacted on Cottage Foods/Farmers' Markets
- 15 bills enacted related to food facilities
 - Restaurants, mobile food trucks, certification of staff
- 16 bills enacted addressing food safety directly
 - CA, CO, FL, HI, IL, IN, ME, MI, MN, NE, TN, VT, WI
- 3 enacted bills identify FSMA
- 7 bills enacted address raw milk



Raw Milk

- 22 bills in 13 states address raw milk
- LA S 29 authorizes the sale of raw goat milk and whole milk produced on the farm for human consumption (pending)
- MD H 79 exempts from regulation distribution of raw milk and raw milk products (failed)
- NY A 3689 allows for a cow-share program (pending)
- OK H 2852 & 3099 allows for the advertising of raw milk (pending)
- UT H 194 permits the sale of raw milk along side with pasteurized milk (enacted)





West Virginia S 387 (Act No. 6)

Shared Animal Ownership Agreements to Consume Raw Milk

Relates to shared animal ownership agreements to consume raw milk, requires animal ownership agreement to be signed, executed and be filed with the Commissioner of Agriculture, requires the herd seller to meet the animal health requirements for milk-producing, **prohibits sale of raw milk**

Rep. Scott Cadle, sponsor of the bill, celebrated by providing fellow legislators with raw milk, many who fell ill a short time later





Cottage Foods/Farmers' Markets

- 45 bills introduced in 22 States and DC
- 15 bills enacted in 12 states
- CA A 234 authorizes a community food producer to sell uncut fruits and vegetables to the public, a food bank or food kitchen without registration. (Chap. No. 615)
- IL H 2486 'home kitchen operation' does not include persons producing non-hazardous baked goods to non-profit or charitable organization (Chap. 191)
- MI S 144 provides for an exemption from inspection and managerial certification requires if serving low-risk foods (Chap. 142).



Food Facilities/Restaurants

- CO 1401 increases fees for retail food establishments; defines restaurant grading systems (Chap 367)
- FL H 633/S 764 defines events that are excluded from term 'public food service establishment' (Chap 86)
- NC S 7 allows food stands to provide chairs and tables to customers without a sewer evaluation; authorizes mobile food unites to prepare and serve food on premises (Chap 104)
- WI A 37 requires food services staff to hold certificates of food protection practices in order to serve school lunches (Chap 46)



Food Safety

- FL H 249 provides for the Department of Health sanitation rules to apply to licensed culinary education program. (Chap 120)
- HI H 2582 requires the D of Ag to develop an Ag Food Safety Certification Program in compliance with the FDA FSMA (Chap 106)
- HI H 2657 provides for a cost reimbursement program for farmers on Molokai to come into compliance with FDA FSMA (Chap 103)
- IL S 46 requires a passing score in order to receive a food service sanitation manager certificate (Chap 62)
- MI S 774 eliminates the inspections of vending machine locations; vending machines do not need a license separate from the locations (Chap 188)
- WI A 17/S 12 relates to renewal of certification of food protection practices (Chap 9)



Dietary Supplements

- AZ S 1460 addresses good manufacturing practices and certification of dietary supplements (Chap 284)
- FL H 7007 provides for certain dietary supplements or ingredients being labeled adulterated (Chap 61)

Utah has marketed itself as the regulatory leader in dietary supplements; providing regulatory oversight as a marketing incentive to encourage supplement makers to locate their operations in the state



Antimicrobials in Animal Feed

- CA S 27 Prohibits the administration of medically important antimicrobial drugs to livestock unless prescribed by a licensed veterinarian or a feed directive (Chap 758)
- CA S 770 Department of Food and Agriculture to continue to be the primary regulatory agency over medicated feed (Chap 806)



Growth in Food Safety Legislation

- 2016 – 454 bills in 47 states; 64 laws passed in 24 states
- 2015 – 516 bills in 47 states; 76 laws passed in 27 states
- 2014 – 491 bills in 44 states; 74 laws passed in 30 states
- 2013 - 169 bills in 37 states; 58 laws passed in 29 states
- 2012: 53 bills in 24 states; 9 laws passed in 8 states
- 2011: 30 bills in 16 states; 13 laws passed in 11 states
- 2010: 22 bills in 13 states; 8 laws passed in 6 states



MEDICAL MARIJUANA LAWS

- CA: First state to pass with Prop. 215 in 1996
- Since then, 22 states, DC and Guam have followed: AK, AZ, CO, CT, DE, HI, IL, ME, MD, MA, MI, MN, MT, NV, NH, NJ, NM, NY, OR, RI, VT, WA (23 states + 2 territories total)
- 13 became legal through voter/ballot initiative process
- 12 legal through legislation (CT, DE, HI, IL, MD, MN, NH, NJ, NM, NY, RI, VT)
- NCSL MMJ webpage: <http://www.ncsl.org/default.aspx?tabid=19587>



MMJ PROGRAMS VARY

Some require or allow for:

- Patient Registries: 23
- Grower/Caregiver Registries and Limits: varies
- Dispensaries: 17~
- Specific Conditions: 24 + all CBD programs
- Recognize Patients from Other States: 7
- Testing: varies



LEGALIZED ADULT USE IN 4 STATES

- Colorado (A 64-2012) and Washington (I 502-2012)
- Colorado has 24-member Implementation Task Force at work. Includes 4 state legislators. Chairs are executive director of Dept. Revenue and the Gov's chief legal counsel.
- Washington implementation with the state Liquor Control Board.
- Alaska- currently finalizing details
- Oregon- currently finalizing details
- DC- limited personal growing and sharing allowed (not regulated)
- **OH – will have recreational MJ on ballot in November**



ALABAMA'S CARLY'S LAW

- AL SB 174 'Carly's Law;' Act No. 2014-277
- Introduced by Rep. Patricia Todd; Supported by Sen. Health Chair Greg Reed
 - Pat Todd (D) is only openly gay member in AL Legislature
 - Greg Reed (R) is an Evangelical Gospel Singer
- 'Alabama Centric' - University of Alabama Birmingham to prescribe low-THC products MMJ to children with seizures





PUBLIC HEALTH CONCERNS

Colorado sells edibles – candies, brownies, baked goods

Public Health concerns – retail MJ edibles can contain:

- E-Coli
- Aspergillus
- Salmonella
- Metals
- Pesticides

NATIONAL CONFERENCE of STATE LEGISLATURES



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“Any state environmental public health director who is not fired within 3 years is not worthy of their job.”

former director Dr. Bill Schmidt, MO



Questions or Comments?

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