



Food Safety: State Legislation 2017



June 2017

National Conference of State Legislatures



National Conference of State Legislatures

- Bipartisan organization, funded by state legislatures
- Serves the 7,382 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 **Environmental Health Legislation Database** contains Food Safety legislation spanning the years 2015-2017.
 - The database is accessible at:
<http://www.ncsl.org/research/environment-and-natural-resources/environmental-health-legislation-database.aspx>

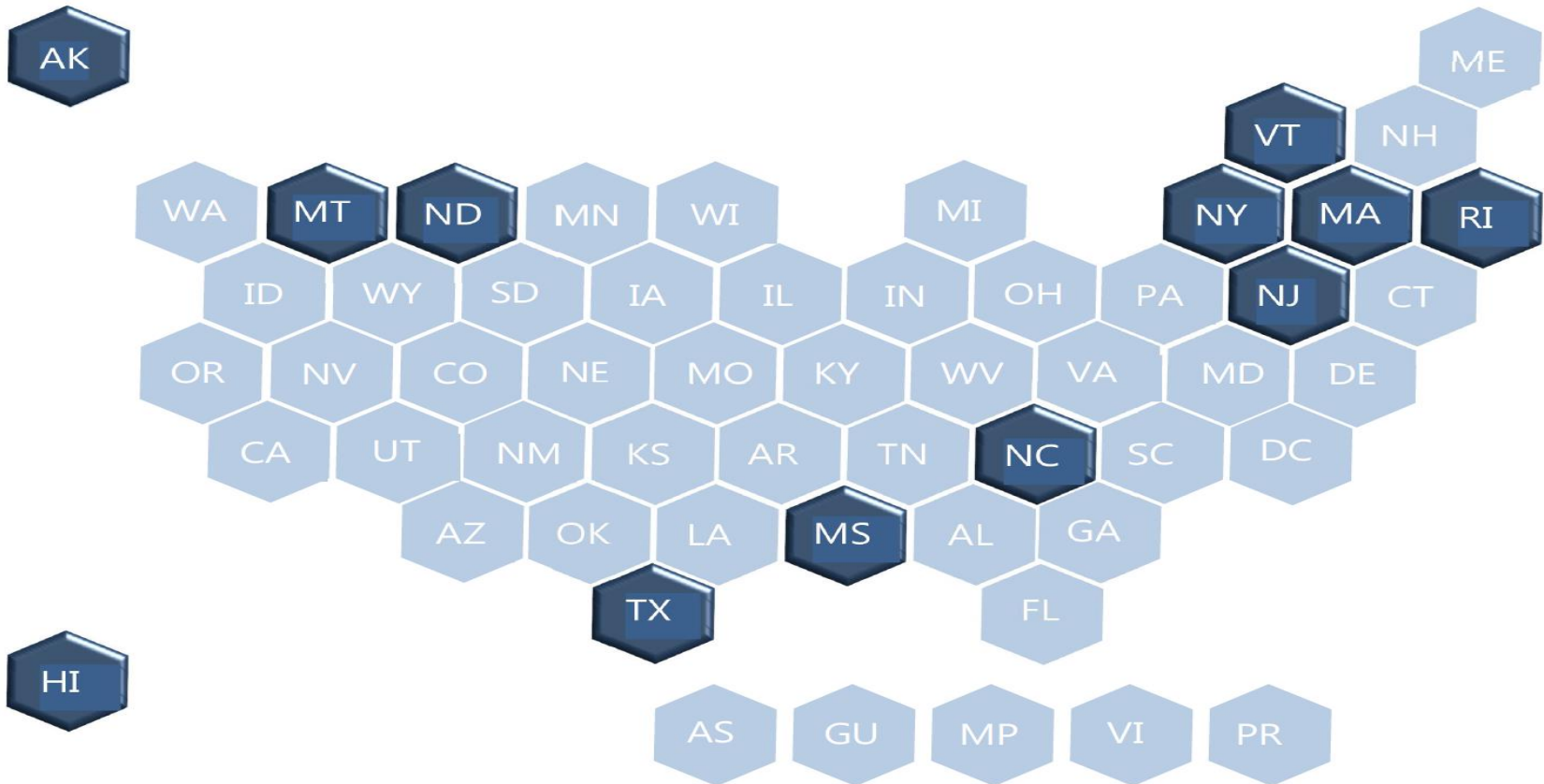


2017 Legislative Highlights - Food

- 310 bills in 49 States and District of Columbia
- 134 bills on food safety; 29 bills in 16 States enacted
- 39 bills on Cottage Foods/Farmers' Markets; 13 enacted
- 11 bills enacted related to food facilities
 - Restaurants, mobile food trucks, certification of staff
 - Utah S250 enacted Food Truck Licensing
- 16 bills enacted addressing food safety directly
 - CA, CO, FL, HI, IL, IN, ME, MI, MN, NE, TN, VT, WI
- 13 identify FSMA; HI H453 and MT H91 enacted
- 25 address raw milk; HI S846 and VT H495 enacted



Raw Milk Legislation





Raw Milk State Law

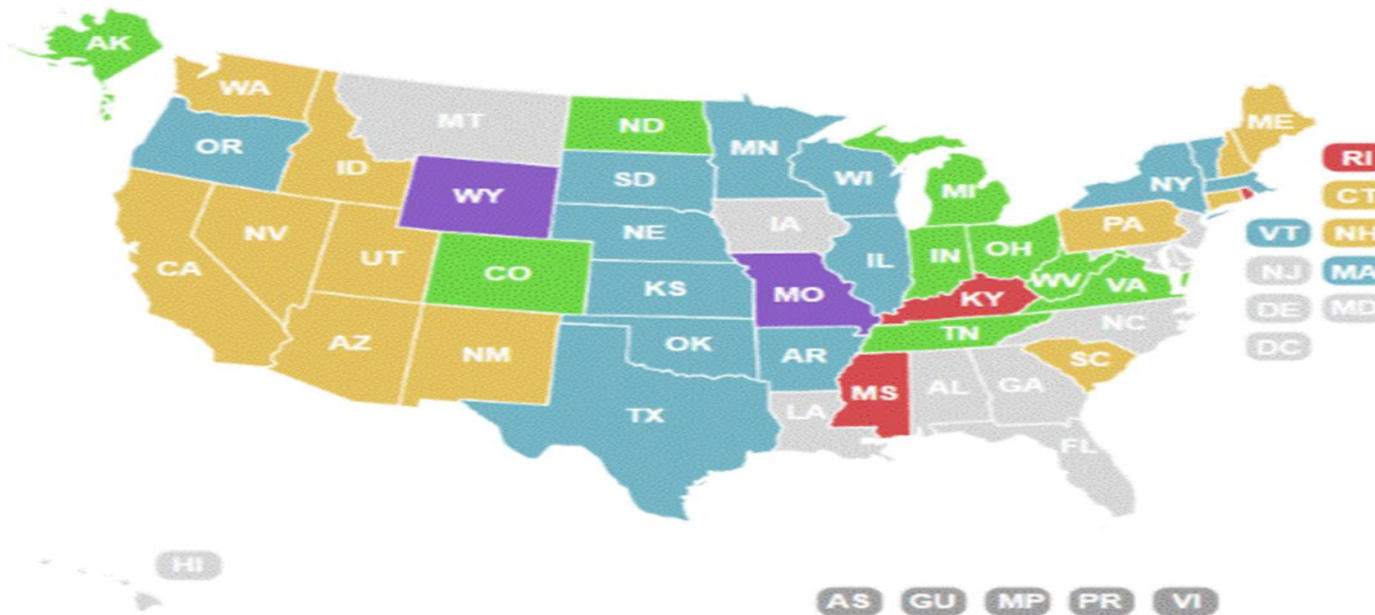
States that permit the sale of raw milk in retail stores

States that allow the sale of raw milk at farmers' markets, etc.

States that allow the sale of raw milk on the farm.

States that permit cow-share programs

States that only allow the sale of raw goat milk





West Virginia S 387 (Act No. 6 2016)

Shared Animal Ownership Agreements to Consume Raw Milk

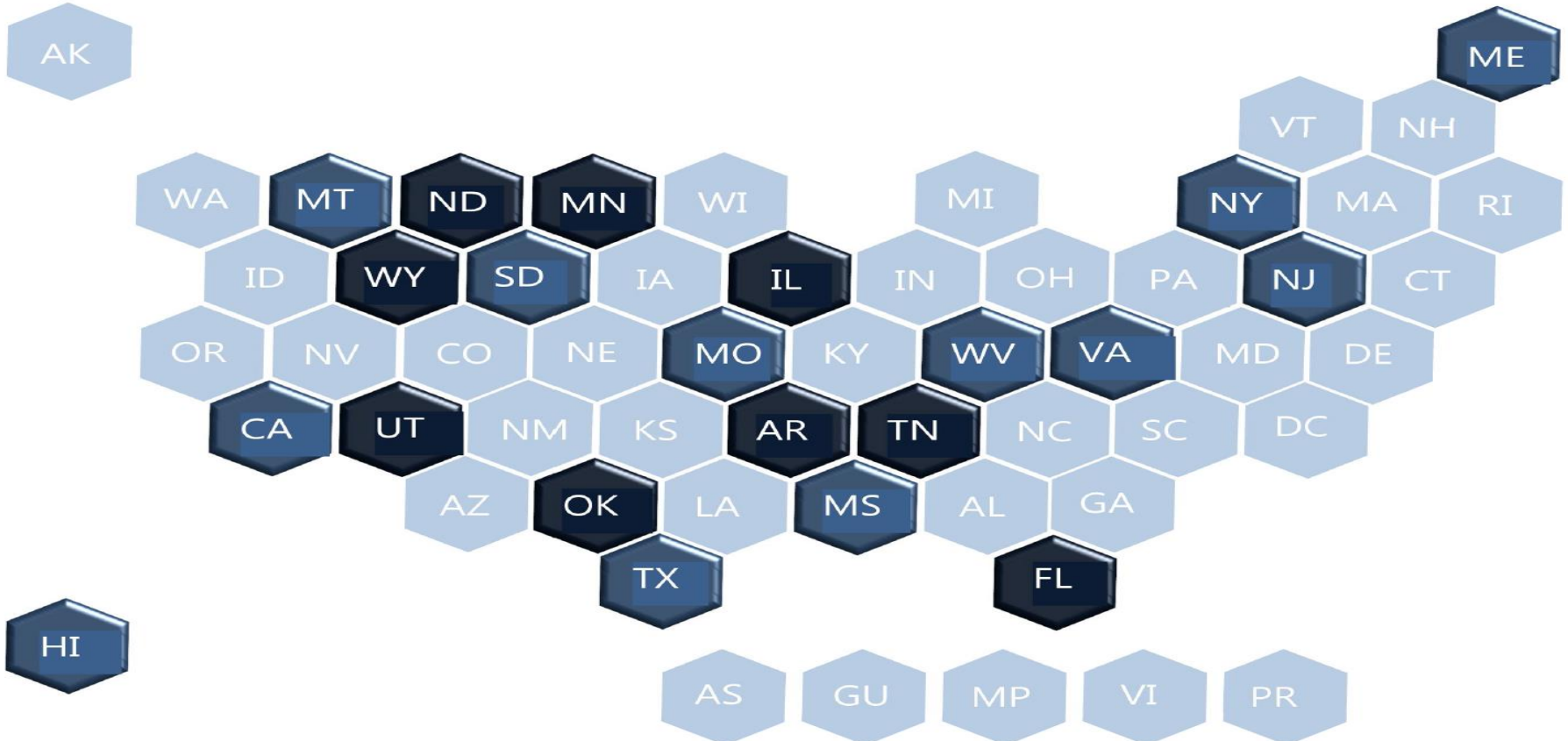
Relates to shared animal ownership agreements to consume raw milk, requires animal ownership agreement to be signed, executed and be filed with the Commissioner of Agriculture, requires the herd seller to meet the animal health requirements for milk-producing, **prohibits sale of raw milk**

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





Cottage Food Legislation





Cottage Foods/Farmers' Markets

- 134 bills introduced in 22 States and DC; 29 enacted in 16 states
- FL H 1233 allows for Cottage Foods be sold over internet but must be delivered in person (*To Governor*)
- IL H 3063 allows for Cottage Food operations (*To Governor*)
- ND 2028 allows for the direct sale of animal-based products from producer to consumer (*Enacted*)
- OK S 508 authorizes home food establishments to sell prepared food at certain locations (*Chap. No. 85*)
- TN S 1187 exempts from licensure small amounts of non-hazardous foods (*Chap. No. 150*)
- UT H 344 allows for labeling of Cottage Foods (*Chap. No. 345*)



Wyoming's Food Freedom Act

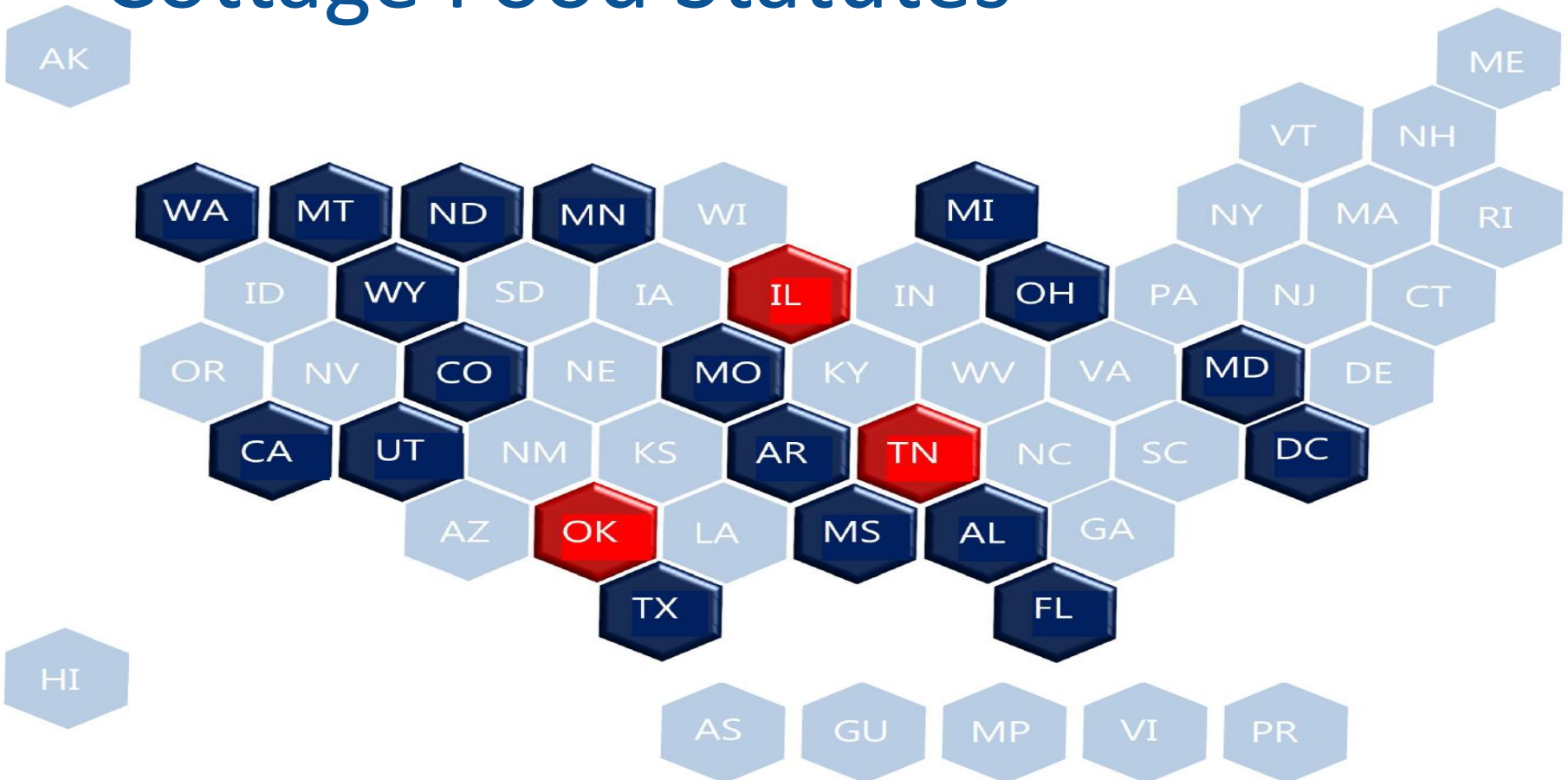
- Chap. No. 111 and Chap. No. 56

This bill specifies that homemade food may be sold through a **retail space** at the **ranch, farm or home** where the food is produced if the retail space informs the end consumer that the homemade food has not been inspected and a sign is displayed indicating that the homemade food has not been inspected. Identifying which **meat products** and animals may be sold under the act, including rabbit and fish.

If the retail space is in any way associated with a commercial food establishment or offers for sale any inspected product, the retail space selling homemade food shall be separate from the commercial food establishment pursuant to rule and regulation of the Department of Agriculture.

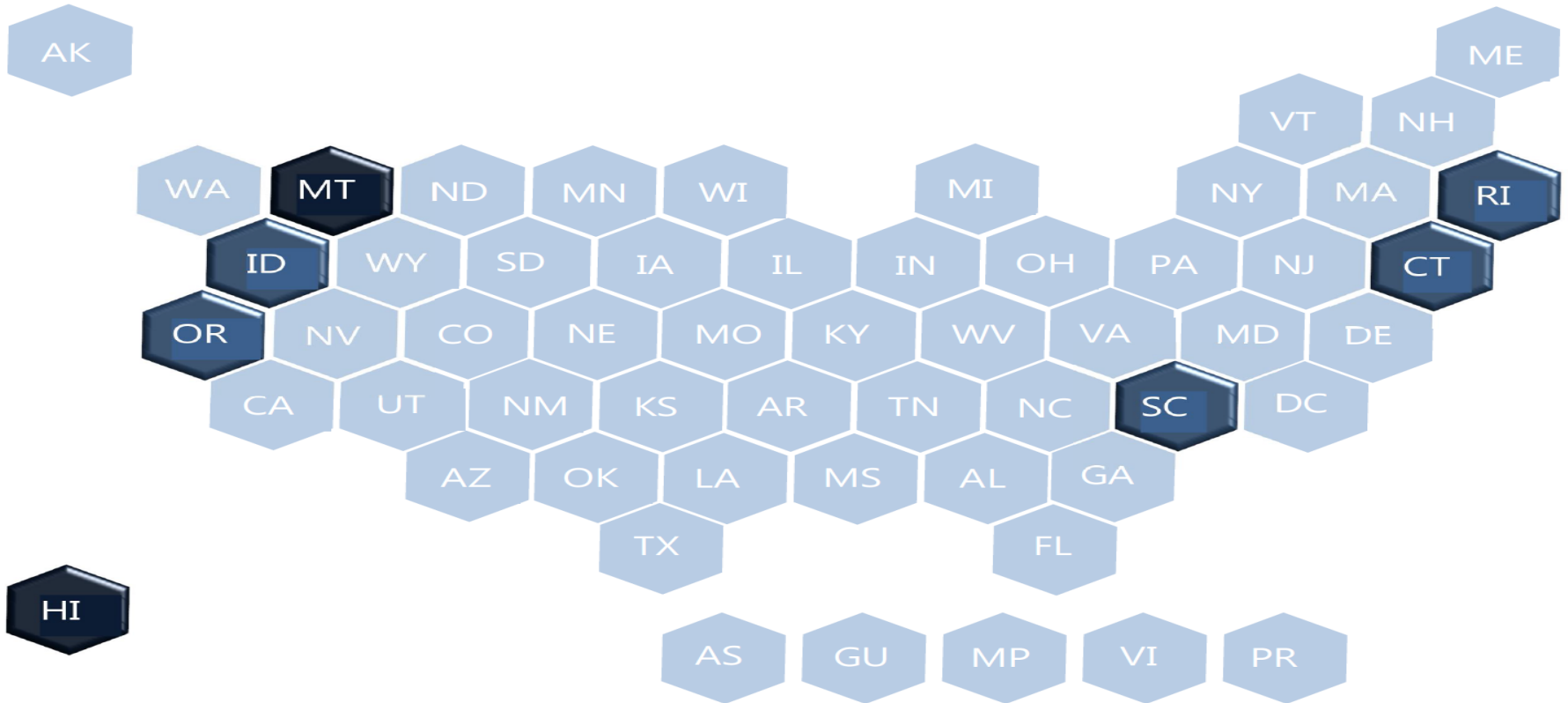


Cottage Food Statutes





FSMA Legislation





FSMA Legislation

- HI H 453 grant program to farmers to meet costs of complying with FSMA and food safety rules (*To Governor*)
- MT H 91 authorizes Dept of Ag to adopt regulations pursuant FSMA (*Chap. No. 44*)



Food Safety

- GA H 176 authorizes the Department of Agriculture to enter into agreements with the federal government to enforce provisions of certain federal laws (*Chap. No. 64*)
- ID HJM 6 urges that farmers, ranchers and food processors be enabled to compete freely and trade fairly in foreign and domestic markets.
- IN S 77 provides that a retail food establishment that is a Micro market is not required to have a person in charge present at the Micro market
- NE L 134 changes provisions of the Nebraska Pure Food Act
- NM H 305 authorizes inspections for compliance with food safety laws including FSMA (*Chap. No. 105*)
- SC H 4003 establishes the authority of the Department of Agriculture to enforce certain food safety standards applicable to farm produce
- VA H 1625 directs the Department of Health to issue a license in the form of a sticker to a restaurant that is a mobile food unit (*Chap. No. 281*)



Growth in Food Safety Legislation

- 2017 – 310 bills in 49 states; 29 bills in 16 states
- 2016 – 560 bills in 47 states; 89 laws passed in 27 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



WARNING - Wyoming Food Freedom Act

“It’s turned into a model act where Wyoming has proven that this is a viable way to turn your local food economy free, and it’s become popular with other states,”

State Rep. Tyler Lindholm, WY



Questions or Comments?

Doug Farquhar

Program Director for Environmental Health

National Conference of State Legislatures

Doug.farquhar@ncsl.org

303-856-1397