

STATE FOOD LEGISLATION 2019; ENACTED



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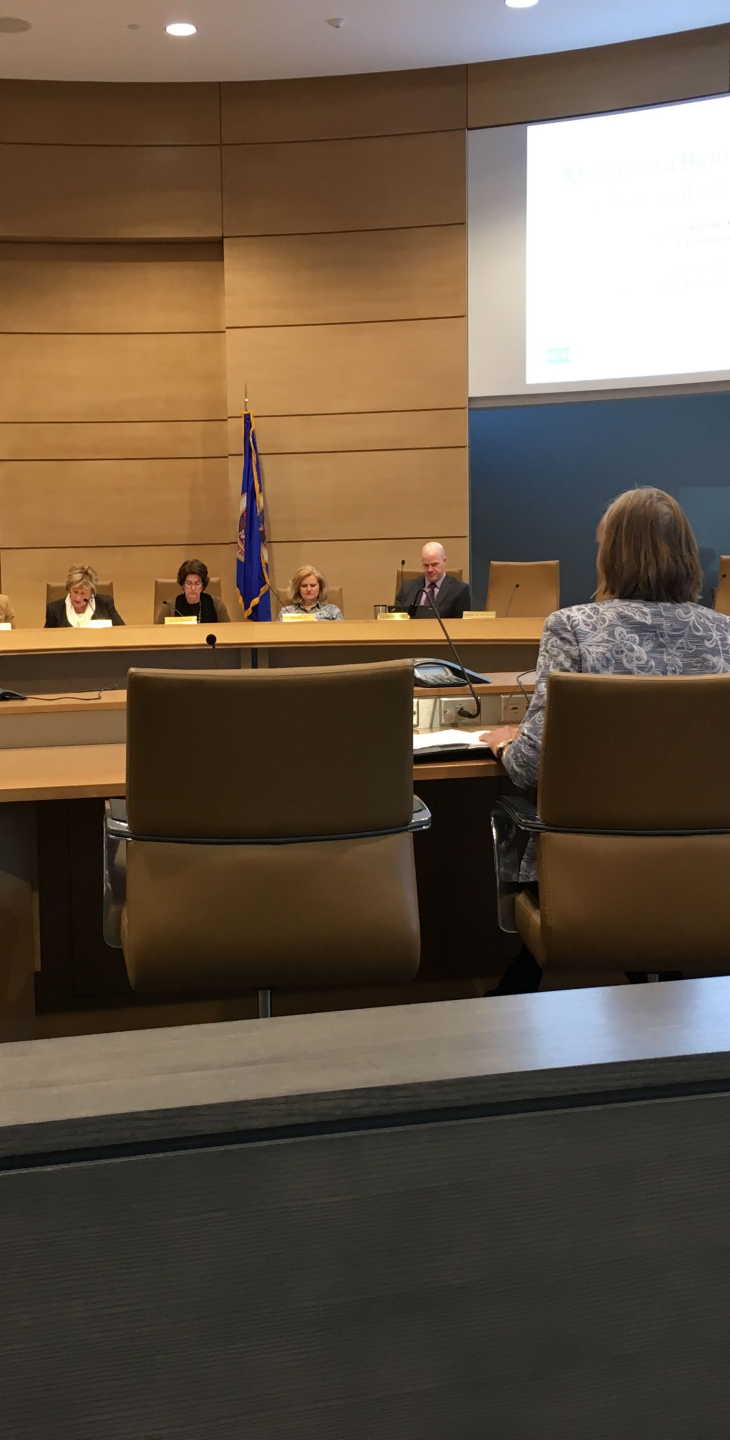


Food Safety Legislation 2019

2019 Legislative Sessions

- Over 750 bills on food and food safety
- 149 bills enacted or adopted in 42 states
- **NJ, NY, HI** had most bills
- Only **OH** and **WI** did not enact any bills





State Legislation relating to Food - 2019

Categories of Food Legislation

- Food Safety
- Food Facilities
- Donation of Foods
- Marketing of Foods
- Food Nutrition, Food Deserts, SNAP
- Cottage Foods, Food Freedom
- Cell-Based or Plant-Based Meats
- Edible Cannabis, Hemp
- Raw Milk, Dairy





Food Safety

130 bills introduced; 21 enacted

- [HI H 463 Act 104](#) requires the Department of Agriculture to establish a food safety certification training program to assist farms to comply with the USDA Good Agricultural Practices Certification Program
- [NC H 735 Act 129](#) authorizes commission for public health to adopt the most recent US FDA food code
- [RI H 6218 Act 122](#) empowers the Director of Environmental Management to be in compliance with the provisions of FSMA
- [SC S 360 Act 6](#) clarifies that certain individuals are authorized to adjust food spoilage claims without an adjuster's license



Food Facilities

Food facilities, including restaurants, public schools, mobile food trucks, vending machines and retail food establishments

- **CA** [A 377 Act No. 2019-536](#) addresses MicroEnterprise Home Kitchens
- **LA** [H 335 Act 372](#) requires food facilities to notify patrons if crawfish or shrimp is foreign-raised
- **MS** [H 1206](#) defines the terms of vending machines and micro-markets
- **NJ** Healthy Small Food Retailers act [A 2164 Act 15](#) provides funding to small food retailers to sell fresh and nutritious food
- **CO, UT** and **WA** enacted laws regarding Mobile Food Trucks

Food Facilities

- **OK** [H 1055, Act 138](#) creates a permit for unattended food establishments
- **OR** [H 2060 Act 387](#), authorizes the state's Department of Agriculture to close a food establishment if authorization to operate has not been obtained or has lapsed
- **VA** Food Establishments law exempts any restaurant operated by a nonprofit civic service organization, a volunteer fire department, or a volunteer emergency medical services agency from any requirement to employ a certified food protection manager ([H 1663 Act 275](#))
- **WV** Fresh Foods Act requires all state-funded institutions to purchase a minimum of 5% of fresh produce, meat and poultry products from in-state producers ([H 2396 Act 12](#))



Donation of Food

34 bills introduced; 6 enacted

- **HI** [SR 26](#) urges restaurants to donate any leftover food to homeless shelters
- **NJ** [A 4701 Act 54](#) requires the establishment of an electronic portal to promote surplus food donation collaboration among nonprofit organizations, gleaners, and food retailers.
- **WA** [H 1114 Act 255](#) designed to reduce the wasting of foods





Marketing of Food

- **MA** established the Restaurant Promotion Commission ([H 402](#))
- **HI** [S 375 Act 151](#) requires the state's Department of Agriculture to develop a strategic plan to double local food production and increase food
- **NJ** [AR 156](#) urges the Federal Government to increase the exportation of state dairy products to other nations





Food Nutrition, Food Deserts, SNAP

33 being introduced and eight being enacted

- 21 bills introduced/three enacted regarding nutrition and food deserts
- 12 introduced/six enacted regarding SNAP

Food Nutrition, Food Deserts, SNAP

Food Deserts

- IN, MO, TX, VA introduced bills
- **NJ's** Food Desert Produce Pilot Program ([A 4704 Act 91](#)) establishes a food desert produce pilot program, establishes a program to provide residents in food desert communities with access to fresh and affordable produce.



Food Nutrition, Food Deserts, SNAP

Supplemental Nutrition Assistance Program (aka SNAP or Food Stamps)

- **HI [S 390 Act 153](#)** creates a state matching program for beneficiaries of the SNAP who purchase state-grown produce
- **IL [H 3343 Act 110](#) & MD [H 838 Act 475](#)** permits individuals to redeem their SNAP benefits at restaurants
- **NM [S 84 Act 152](#)** authorizes the growing and use for food service of fruit and vegetable gardens at senior centers



Cottage Foods; Food Freedom

Every state except **NJ** has laws promoting cottage foods or restricting oversight of foods

- Each state has taken a different approach to cottage foods; in general, each law provides:
 - Exemptions from licensing for small food producers that sell directly to consumers.
 - Labeling requirements stating the product has not been inspected.
 - Rules for handling potentially hazardous foods, such as those that need a certain cooking time or temperature to ensure safety.
 - Training courses for people who prepare foods.
- 59 bills were introduced in 2019, with 17 being enacted in 13 states.
 - Allowing for larger operations to be eligible for cottage food protections, permitting hazardous food products, and altering rules on food handling

Cottage Foods; Food Freedom

- **California's** [A 377 Act 536](#) prohibits a microenterprise home kitchen operation from producing, manufacturing, processing, freezing, or packaging milk
- **Maryland's** [S 290 Act 370](#) amends the definition of cottage food products to include food sold to retail food stores or food cooperatives
- **Texas'** [S 572 Act 590](#) requires labels on cottage foods relating to food safety and restricts internet sales
- **West Virginia's** [S 285 Act 3](#) authorizes the production and sale of homemade food items; provides required notices that the food is not inspected; permits local health departments to inspect reported cases of foodborne illnesses from cottage foods



Maine H 583 Food Sovereignty

- Constitutional Amendment, must be voted on statewide after being enacted
- Declares that all individuals have a *natural, inherent, and inalienable right to food*
- including the right to acquire, produce, process, prepare, preserve and consume and to barter, trade, and purchase the *food of their own choosing* for their own nourishment, sustenance, bodily health, and well-being





Labeling of Cell-Based or Plant-Based Meat

- 60 bills being introduced in 31 states and 17 being enacted. Most restrict the term 'meat' to products derived from animals harvesting by traditional means
- **AL, KY, ME, MT, CO, ND, SC, SD, WY** enacted bills stating that food containing cultured animal tissue that is produced from animal cell cultures may not be labeled as either meat or a meat food product.





Labeling of Cell-Based or Plant-Based Meat

- **AR** [H 1407 Act 501](#) Truth in Labeling of Edible Agricultural Products includes Cauliflower rice as well as meat
- **LA** [S 152 Act 273](#) addresses truth in labeling requirements, including plant-based meats, rice and soy products
- **MS** [S 2922](#) bans cell-based, insect-based or plant-based foods from being termed as a “meat food product.”





Edible Cannabis, Hemp

67 bills introduced; 6 enacted

- **CA** “*edible cannabis product*” means a cannabis product that is intended to be used for human consumption ([S 185 Act 841](#))
- **GA** [H 324 Act 27](#) provides for the production, manufacturing, and dispensing of low THC oil, either cannabis or hemp
- **IL** [H 1438 Act No. 27](#) creates the Cannabis Regulation and Tax Act
- **ME** [H 524 Act 491](#) which provides that food products that contain adult-use marijuana are not considered to an adulterated food product



Cannabis, Hemp

Maine, Minnesota, Nevada, Oklahoma and Tennessee enacted legislation focusing on the use of hemp in food

- **ME** Food Products Containing Hemp ([H 459 Act 12](#)) clarifies that food containing hemp not considered to be adulterated, provides that the production or distribution of food containing hemp may not be restricted or prohibited
- **NV S 209 Act 374** requires the Department of Health and Human Services to adopt regulations requiring the testing and labeling of commodities and products made using hemp
- **OK S 868 Act 91** modifies the Industrial Hemp Agricultural Pilot Program
- **TN S 537 Act No. 87** seeks for the state to have primary regulatory authority over hemp production





Raw Milk and Dairy

- **AZ** [H 2178 Act No. 44](#) exempts establishments from frozen dessert license if the dessert is manufactured, sold and consumed on the premises
- **AR** [H 1699 Act 846](#) authorizes the sale of raw sheep milk
- **MD** [S 922 Act 530](#) prohibits the stating that the product is milk unless it meets the definition of milk
- **NE & PA** urges the federal government to set a standard of identity for the term milk



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