

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 149

AN ACT

To repeal sections 196.050 and 196.075, RSMo, and to enact in lieu thereof two new sections relating to food labeling.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 196.050 and 196.075, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 196.050 and 196.075, to read as follows:

196.050. 1. Unless otherwise provided for in sections 196.010 to 196.120, in no event shall the said department of health and senior services prescribe or promulgate any regulation fixing or establishing any definitions or standards which are more rigid or more stringent than those prescribed by the federal act applying to any commodity covered by sections 196.010 to 196.120 and if any product or commodity covered by said sections shall comply with the definitions and standards prescribed by the federal act for such product or commodity, such product or commodity shall be deemed in all respects to comply with sections 196.010 to 196.120.

2. In addition to any federal or state law or regulation fixing or establishing any definitions or standards for such products or commodities, the department shall promulgate rules and regulations governing human food and beverage product labels when such products are offered for sale in this state regarding the following:

(1) A standardized front-of-package labeling system designed to provide consumers with easy access to product information to make informed purchasing decisions, including

when such products contain high levels of sodium, added sugars, calories, or saturated fats, as determined by the department;

(2) Clearly marked common allergens, gluten-containing grains, and levels of caffeine exceeding more than ten milligrams of caffeine per serving;

(3) Requirements that products using imagery of fruits and vegetables or claims of "whole grains", "multigrains", or "wheat" in package or product marketing shall disclose on the product label, in a standardized format, the percentage of such grains, fruits, or vegetables present in the product; and

(4) A waiver of any requirement to place product information on the product label if the product bears a quick response code that provides purchasers the required information under this section. The quick response code shall either be on the product's packaging or at the point of sale.

Such rules and regulations may be more rigid or stringent than those prescribed by federal law to the extent necessary to carry out the duties prescribed in this section.

Beverage products governed by the provisions of 27 U.S.C. shall be exempt from the provisions of this subsection or subdivision (12) of subsection 1 of section 196.075.

196.075. 1. A food shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word, "imitation", and, immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed or filled as to be misleading;

(5) If in package form, unless it bears a label containing:

(a) The name and place of business of the manufacturer, packer or distributor;

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under [clause (b) of] this [subdivision] paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the department of health and senior services;

(6) If any word, statement, or other information required by or under authority of sections 196.010 to 196.120 to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 196.050, unless it conforms to such definition and standard, and its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients, other than spices, flavoring, and coloring, present in such food;

(8) If it purports to be or is represented as:

(a) A food for which a standard of quality has been prescribed by regulations as provided by section 196.050 and its quality falls below such standard unless its label

bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(b) A food for which a standard or standards of fill of container have been prescribed by regulation as provided by section 196.050, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions of subdivision (7) of this section, unless it bears labeling clearly giving:

(a) The common or usual name of the food, if any there be; and

(b) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient, except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; provided, that, to the extent that compliance with the requirements of [paragraph (b) of] this [subdivision] paragraph is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the department of health and senior services; provided further, that the requirements of [paragraph (b) of] this [subdivision] paragraph shall not apply to any carbonated beverage the ingredients of which have been fully and correctly disclosed, to the extent prescribed by [said] this paragraph [(b)] to the department of health and senior services in an affidavit;

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the department of health and senior

services determines to be, and by regulations prescribed, as necessary in order to fully inform purchasers as to its value for such uses;

(11) If it bears or contains any artificial flavoring, coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that to the extent that compliance with the requirements of this subdivision is impracticable, exemptions shall be established by regulations promulgated by the department of health and senior services; and provided further, that this subdivision [(11)] shall not apply to artificial coloring in butter, cheese or ice cream;

(12) If it bears or contains any bioengineered substance, as such term is defined in 7 CFR 66.1, or advertises or claims to contain natural flavoring, as such term is defined in 21 CFR 101.22, unless it bears labeling containing a website link, quick-response code, or similar resource identifying the bioengineered substance or specific natural flavoring, notwithstanding the provisions of paragraph (b) of subdivision (9) of this subsection to the contrary;

(13) If it is a fruit or vegetable bearing or containing any edible coating, including any wax, resin, ester, or other compound regulated by 21 CFR 172, unless the label of such food or any display placed at the point of sale for such food contains a disclosure of such coating or a website link, quick-response code, or similar resource directs the consumer to such disclosure; or

(14) If it contains, in whole or in part, cell-cultivated, lab-grown, or insect-based meat or meat alternatives, unless such product is clearly labeled on the front of the package, in at least fifteen-point uniform bold type, "LAB-CREATED" OR "INSECT-BASED" or a comparable

qualifier determined by the department in rule. A product package determined to be in compliance with comparable regulations promulgated by the department of agriculture implementing the provisions of subdivision (7) of section 265.494 shall satisfy the requirements of this subdivision.

2. The department is hereby directed to promulgate regulations exempting from any labeling requirement of sections 196.010 to 196.120 small open containers of fresh fruits and vegetables and food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded under the provisions of said sections upon removal from such processing, labeling or repackaging establishment.