

SENATE BILL NO. 1319

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

3380S.011

KRISTINA MARTIN, Secretary

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
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 196.050 and 196.075, to read as follows:

196.050. **1. Unless otherwise provided for in sections**
2 **196.010 to 196.120**, in no event shall the said department of
3 health and senior services prescribe or promulgate any
4 regulation fixing or establishing any definitions or
5 standards which are more rigid or more stringent than those
6 prescribed by the federal act applying to any commodity
7 covered by sections 196.010 to 196.120 and if any product or
8 commodity covered by said sections shall comply with the
9 definitions and standards prescribed by the federal act for
10 such product or commodity, such product or commodity shall
11 be deemed in all respects to comply with sections 196.010 to
12 196.120.

13 **2. In addition to any federal or state law or**
14 **regulation fixing or establishing any definitions or**
15 **standards for such products or commodities, the department**
16 **shall promulgate rules and regulations governing human food**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 and beverage product labels when such products are offered
18 for sale in this state regarding the following:

19 (1) A standardized front-of-package labeling system
20 designed to provide consumers with easy access to product
21 information to make informed purchasing decisions, including
22 when such products contain high levels of sodium, added
23 sugars, calories, or saturated fats, as determined by the
24 department;

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (6) If any word, statement, or other information
24 required by or under authority of sections 196.010 to
25 196.120 to appear on the label or labeling is not
26 prominently placed thereon with such conspicuousness, as
27 compared with other words, statements, designs, or devices,
28 in the labeling, and in such terms as to render it likely to
29 be read and understood by the ordinary individual under
30 customary conditions of purchase and use;

31 (7) If it purports to be or is represented as a food
32 for which a definition and standard of identity has been
33 prescribed by regulations as provided by section 196.050,

34 unless it conforms to such definition and standard, and its
35 label bears the name of the food specified in the definition
36 and standard, and, insofar as may be required by such
37 regulations, the common names of optional ingredients, other
38 than spices, flavoring, and coloring, present in such food;

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

40 (a) A food for which a standard of quality has been
41 prescribed by regulations as provided by section 196.050 and
42 its quality falls below such standard unless its label
43 bears, in such manner and form as such regulations specify,
44 a statement that it falls below such standard;

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

51 (9) If it is not subject to the provisions of
52 subdivision (7) of this [section] **subsection**, unless it
53 bears labeling clearly giving:

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

56 (b) In case it is fabricated from two or more
57 ingredients, the common or usual name of each such
58 ingredient, except that spices, flavorings, and colorings,
59 other than those sold as such, may be designated as spices,
60 flavorings, and colorings, without naming each; provided,
61 that, to the extent that compliance with the requirements of
62 [paragraph (b) of] this [subdivision] **paragraph** is
63 impractical or results in deception or unfair competition,
64 exemptions shall be established by regulations promulgated
65 by the department of health and senior services; provided

66 further, that the requirements of [paragraph (b) of] this
67 [subdivision] **paragraph** shall not apply to any carbonated
68 beverage the ingredients of which have been fully and
69 correctly disclosed, to the extent prescribed by [said] **this**
70 paragraph [(b)] to the department of health and senior
71 services in an affidavit;

72 (10) If it purports to be or is represented for
73 special dietary uses, unless its label bears such
74 information concerning its vitamin, mineral, and other
75 dietary properties as the department of health and senior
76 services determines to be, and by regulations prescribed, as
77 necessary in order to fully inform purchasers as to its
78 value for such uses;

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

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

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

104 (14) If it contains, in whole or in part, cell-
105 cultivated, lab-grown, or insect-based meat or meat
106 alternatives, unless such product is clearly labeled on the
107 front of the package, in at least fifteen-point uniform bold
108 type, "LAB-CREATED" or "INSECT-BASED" or a comparable
109 qualifier determined by the department in rule. A product
110 package determined to be in compliance with comparable
111 regulations promulgated by the department of agriculture
112 implementing the provisions of subdivision (7) of section
113 265.494 shall satisfy the requirements of this subdivision.

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

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