

**Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 02-0323.02 Jery Payne

HOUSE BILL 02-1157

HOUSE SPONSORSHIP

Jameson, Grossman, Plant, Snook, and Tapia

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF A NOTICE THAT A FOOD IS IMPORTED**
102 **PURSUANT TO THE "COLORADO FOOD AND DRUG ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes legislative findings.

Changes the definition of misbranding imported meat under the provisions of the "Colorado Food and Drug Act" in order to include imported produce and honey and to change the labeling requirement to a requirement that notice of country of origin or importation be given to consumers. Requires such notice to be in at least 24-point type at the point of sale and that the notice contain either such food's country of origin, if known, or that the food is imported. Clarifies that a certain

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

exemption from the misbranding definition does not apply to any notice provisions under the definition of misbranding.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds, determines, and declares that since September 11, 2001,
4 Colorado's and the United States' perspective of and interaction with the
5 world has, by necessity, changed. Colorado can no longer consider the
6 threat of bioterrorism to be an abstract threat. The United States has the
7 world's highest standards for food safety, quality, and security. Colorado
8 needs to protect its citizens from any potential threats derived from
9 foreign foods. Therefore, it is fitting and appropriate to inform the
10 citizens and residents of Colorado of the country of origin of foods sold
11 in Colorado in order to empower the citizens and residents of Colorado
12 to make informed decisions.

13 **SECTION 2.** 25-5-411 (1) (n) and (2), Colorado Revised
14 Statutes, are amended to read:

15 **25-5-411. Definitions of "misbranding".** (1) A food shall be
16 deemed to be misbranded:

17 (n) If it is meat, FRUIT, A VEGETABLE, OR HONEY imported from
18 without the boundaries of the United States or if it is a meat, FRUIT,
19 VEGETABLE, OR HONEY product containing such meat, FRUIT, VEGETABLE,
20 OR HONEY, unless ~~it bears labeling stating the fact~~ IT IS SOLD TO THE
21 CONSUMER WITH A NOTICE THAT INDICATES ITS COUNTRY OF ORIGIN OR,
22 IF THE COUNTRY OF ORIGIN IS NOT KNOWN, that it is imported meat or that
23 it contains imported meat, FRUIT, VEGETABLE, OR HONEY. SUCH NOTICE
24 SHALL BE DISPLAYED ON A SIGN THAT IS LOCATED AT THE POINT OF SALE,
25 IS IN AT LEAST TWENTY-FOUR POINT TYPE, AND IS POSITIONED SO AS TO

1 MAKE IT CLEAR THAT THE NOTICE APPLIES TO SUCH FOOD. Any person
2 who sells or offers for sale in this state any meat, FRUIT, VEGETABLE, OR
3 HONEY imported from without the boundaries of the United States, or any
4 meat, FRUIT, VEGETABLE, OR HONEY product containing such imported
5 meat, FRUIT, VEGETABLE, OR HONEY, without ~~labeling such meat or meat~~
6 ~~product stating that it is imported, or contains imported meat~~ PROVIDING
7 THE CONSUMER THE NOTICE REQUIRED BY THIS PARAGRAPH (n) is guilty
8 of a misdemeanor and, upon conviction thereof, shall be punished by a
9 fine of not less than one hundred dollars nor more than one thousand
10 dollars, or by imprisonment in the county jail for not less than thirty days
11 nor more than ninety days, or by both such fine and imprisonment.

12 (2) (a) Foods which, in accordance with the practice of the trade,
13 are to be processed, labeled, or repacked in substantial quantities at
14 establishments other than those where originally processed or packed
15 shall be exempt from any labeling requirements under this section if such
16 food is not adulterated or misbranded under any provision of this part 4
17 upon removal from such processing, labeling, or repacking establishment.
18 THIS PARAGRAPH (a) DOES NOT APPLY TO ANY NOTICE REQUIREMENT IN
19 THIS SECTION.

20 (b) Regulations adopted under authority of the federal act (21
21 U.S.C. SEC. 345) relating to such exemptions are automatically effective
22 in this state. The department may promulgate additional regulations or
23 amendments to existing regulations concerning such exemptions, but the
24 department may not promulgate any regulation which has the effect of
25 allowing any food which is subject to federal labeling requirements to be
26 exempt from labeling requirements under the law of this state.

27 **SECTION 3. Effective date - applicability.** This act shall take

1 effect July 1, 2002, and shall apply to the sale or transfer of food or food
2 products occurring on or after said date.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.