

# SENATE BILL NO. 149

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

0044S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 196.025, 196.050, and 196.075, RSMo, and to enact in lieu thereof three new sections relating to food labeling, with penalty provisions.

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

Section A. Sections 196.025, 196.050, and 196.075, RSMo,  
2 are repealed and three new sections enacted in lieu thereof, to  
3 be known as sections 196.025, 196.050, and 196.075, to read as  
4 follows:

196.025. 1. Any person who violates any of the  
2 provisions of section 196.015 shall, on conviction, be  
3 adjudged guilty of a misdemeanor, and punished by a fine of  
4 **[not more than]** one thousand dollars **for each incident or**  
5 **for each prohibited product offered for sale in Missouri,** or  
6 imprisonment for not more than one year, or by both such  
7 fine and imprisonment.

8 2. No person shall be subject to the penalties of  
9 subsection 1 of this section for having violated **subdivision**  
10 **(1) or (3) of** section **[196.015(1) or 196.015(3)] 196.015,** if  
11 he establishes a guaranty or undertaking signed by the  
12 person from whom he purchased the food, drug, device, or  
13 cosmetic; if a resident of this state, that the food, drug,  
14 device, or cosmetic is not adulterated or misbranded within  
15 the meaning of sections 196.010 to 196.120, designating it,  
16 or, if a nonresident of this state residing in the United  
17 States, or a resident of this state engaged in interstate

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

18 commerce with reference to the product involved, that the  
19 food, drug, device, or cosmetic is not adulterated or  
20 misbranded within the meaning of an act of congress entitled  
21 "An act to prohibit the movement in interstate commerce of  
22 adulterated and misbranded food, drugs, devices, and  
23 cosmetics, and for other purposes" approved June 25, 1938,  
24 and the supplements and amendments thereto.

25 3. No publisher, radio broadcast licensee, or agency  
26 or medium for the dissemination of an advertisement, except  
27 the manufacturer, packer, distributor, or seller of the  
28 article to which a false advertisement relates shall be  
29 liable under this section by reason of the dissemination by  
30 him of such false advertisement, unless he has refused, on  
31 the request of the department of health and senior services  
32 to furnish the said department the name and post-office  
33 address of the manufacturer, packer, distributor, seller, or  
34 advertising agency, residing in the state of Missouri, or in  
35 the United States, who caused him to disseminate such  
36 advertisement.

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  
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; and

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 product.

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

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, unless it bears labeling  
53 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;**

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 or

115           (15) If it contains, in whole or in part, meat food  
116 products derived from an animal vaccinated with a messenger  
117 ribonucleic acid-based vaccine, unless the product packaging  
118 states, in at least fifteen-point uniform bold type, "MRNA  
119 VACCINATED".

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

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