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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 3869

03/15/2018 Authored by Bly; Johnson, C., and Clark
The bill was read for the first time and referred to the Committee on Agriculture Policy

1.1 A bill for an act
1.2 relating to agriculture; requiring country of origin labeling for certain meat products;
1.3 amending Minnesota Statutes 2016, section 34A.03; proposing coding for new
1.4 law in Minnesota Statutes, chapter 31.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[31.1031] COUNTRY OF ORIGIN LABELING; CERTAIN MEAT**
1.7 **PRODUCTS.**

1.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this
1.9 subdivision have the meanings given them.

1.10 (b) "Country of origin" means:

1.11 (1) for a covered commodity that is derived from an animal that is exclusively born,
1.12 raised, and slaughtered in the United States, the United States;

1.13 (2) for a covered commodity that is derived from an animal that is born, raised, and
1.14 slaughtered in multiple countries, all the countries in which the animal is born, raised, and
1.15 slaughtered;

1.16 (3) for a covered commodity that is derived from an animal that is imported into the
1.17 United States for immediate slaughter, the country from which the animal is imported and
1.18 the United States;

1.19 (4) for a covered commodity that is derived from an animal that is born, raised, and
1.20 slaughtered in a single foreign country, the single foreign country; or

2.1 (5) for ground beef or ground pork, a list of all countries of origins of the ground beef
 2.2 or ground pork, or a list of all reasonably possible countries of origin of the ground beef or
 2.3 ground pork.

2.4 (c) "Covered commodity" means a muscle cut of beef, a muscle cut of pork, ground
 2.5 beef, or ground pork, including any other ingredient used in preserving, coloring, or flavoring
 2.6 the muscle cut of beef, muscle cut of pork, ground beef, or ground pork.

2.7 (d) "Ground beef" means chopped fresh or frozen beef with or without seasoning and
 2.8 without the addition of beef fat, containing no more than 30 percent fat, and containing no
 2.9 added water, phosphates, binders, or extenders, including hamburger meat.

2.10 (e) "Ground pork" means comminuted pork of skeletal origin.

2.11 Subd. 2. **Packaged meat; labeling requirements.** A covered commodity that is packaged
 2.12 and for sale at retail in this state must have labeling that identifies the country of origin of
 2.13 the covered commodity.

2.14 Subd. 3. **Unpackaged meat; labeling requirements.** A covered commodity that is
 2.15 unpackaged and for sale at retail in this state must have labeling that:

2.16 (1) identifies the country of origin of the covered commodity; and

2.17 (2) is clearly displayed in connection with the retail display of the covered commodity.

2.18 Sec. 2. Minnesota Statutes 2016, section 34A.03, is amended to read:

2.19 **34A.03 MISBRANDING.**

2.20 (a) Food is misbranded if:

2.21 (1) its labeling is false or misleading in any particular, or its labeling, whether on the
 2.22 item itself, its container, or its package, fails to conform with the requirements of this chapter
 2.23 or section 31.1031;

2.24 (2) it is offered for sale or distributed under the name of another food;

2.25 (3) it is an imitation of another food for which a definition and standard of identity have
 2.26 been prescribed by rules as provided by sections 31.10 and 31.102; or if it is an imitation
 2.27 of another food that is not subject to clause (5), unless in either case its label bears in type
 2.28 of uniform size and prominence the word "imitation" and immediately thereafter the name
 2.29 of the food imitated;

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

3.1 (5) it purports to be or is represented as a food for which a definition and standard of
3.2 identity have been prescribed by rules as provided by sections 31.10, 31.102, and 31A.07,
3.3 unless it conforms to that definition and standard, and its label bears the name of the food
3.4 specified in the definition and standard, and insofar as may be required by the rules, the
3.5 common names of optional ingredients, other than spices, flavoring, and coloring, present
3.6 in the food;

3.7 (6) it purports to be or is represented as:

3.8 (i) a food for which a standard of quality has been prescribed by rules as provided by
3.9 sections 31.10 and 31.102, and its quality falls below that standard unless its label bears in
3.10 a manner and form the rules specify, a statement that it falls below the standard; or

3.11 (ii) a food for which a standard or standards of fill of container have been prescribed by
3.12 rule as provided by sections 31.10, 31.102, and 31A.07, and it falls below the standard of
3.13 fill of container applicable thereto unless its label bears, in a manner and form the rules
3.14 specify, a statement that it falls below the standard;

3.15 (7) it is not subject to clause (5), unless it bears labeling clearly giving the common or
3.16 usual name of the food, if there is one, and in case it is fabricated from two or more
3.17 ingredients, the common or usual name of each ingredient, except that spices, flavorings,
3.18 and colorings, other than those sold as such, may be designated as spices, flavorings, and
3.19 colorings, without naming each, provided that to the extent that compliance with the
3.20 requirements of this clause is impractical or results in deception or unfair competition,
3.21 exemptions must be established by rules promulgated by the commissioner;

3.22 (8) it purports to be or is represented for special dietary uses, unless its label bears
3.23 information concerning its vitamin, mineral, and other dietary properties as the commissioner
3.24 determines to be, and by rules prescribed as, necessary in order to fully inform purchasers
3.25 as to its value for those uses;

3.26 (9) it bears or contains any artificial flavoring, artificial coloring, or chemical preservative,
3.27 unless it bears labeling stating that fact; provided that, to the extent that compliance with
3.28 the requirements of this clause is impracticable, exemptions must be established by rules
3.29 promulgated by the commissioner. The provisions of this clause and clauses (5) and (7)
3.30 with respect to artificial coloring do not apply to butter, cheese, or ice cream. The provisions
3.31 with respect to chemical preservatives do not apply to a pesticide when used in or on a raw
3.32 agricultural commodity which is the product of the soil;

4.1 (10) it is a product intended as an ingredient of another food and when used according
4.2 to the directions of the purveyor will result in the final food product being adulterated or
4.3 misbranded;

4.4 (11) it is a color additive unless its packaging and labeling are in conformity with such
4.5 packaging and labeling requirements applicable to the color additive prescribed under the
4.6 provisions of the federal act;

4.7 (12) it is food subject to section 31.101, subdivision 10, or chapter 31A, that fails to
4.8 bear, directly or on its container, as the commissioner by rule prescribes, the inspection
4.9 legend and other information the commissioner may require by rule to ensure that it will
4.10 not have false or misleading labeling, and that the public will be told how to keep the article
4.11 wholesome; or

4.12 (13) its labeling would deceive or mislead the purchaser with respect to its composition
4.13 or suitability.

4.14 (b) Food is also misbranded if it is a raw agricultural commodity which is the product
4.15 of the soil, bearing or containing a pesticide applied after harvest, unless the shipping
4.16 container of that commodity bears labeling which declares the presence of the chemical in
4.17 or on the commodity and the common or usual name and the function of the chemical. No
4.18 such declaration is required while the commodity, having been removed from the shipping
4.19 container, is being held or displayed for sale at retail out of the container in accordance with
4.20 the custom of the trade.