HOUSE BILL No. 2742

By Committee on Agriculture

AN ACT concerning agriculture; relating to labeling requirements for muscle cuts of beef, muscle cuts of pork, ground beef and ground pork; repealing K.S.A. 65-6a47, 65-6a48, 65-6a49, 65-6a50, 65-6a51, 65-6a52, 65-6a53, 65-6a54 and 65-6a55 and K.S.A. 2017 Supp. 65-6a56.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this section:

(1) "Covered commodity" means:

(A) Muscle cuts of beef and pork; and

(B) Ground beef and ground pork;

(2) "Retailer" means any location subject to be licensed in accordance with K.S.A. 65-688 et seq., and amendments thereto, as a food establishment that is not a fixed or mobile restaurant, coffee shop, cafeteria, school, short-order cafe, luncheonette, tea room, grill, sandwich shop, soda fountain, tavern, private club, roadside stand, industrial-feeding establishment, catering kitchen, commissary or any other private, public or nonprofit organizations routinely serving food;

(3) "Retail sale" means a transfer for value to a customer; and

(4) "Secretary" means the secretary of the Kansas department of agriculture or the secretary's designee.

(b) (1) A retailer of a covered commodity shall inform consumers in this state of the country of origin of the covered commodity at the final point of sale of the covered commodity to consumers.

(2) A retailer of a covered commodity may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was exclusively born, raised and slaughtered in the United States.

(3) (A) A retailer may designate a covered commodity's country of origin for each country in which the animal the covered commodity was derived from may have been born, raised or slaughtered if such animal was:

(i) Not exclusively born, raised and slaughtered in the United States;

(ii) Born, raised or slaughtered in the United States; and

(iii) Not imported into the United States for immediate slaughter.

(B) Nothing in this paragraph shall be construed to alter the mandatory requirement to inform consumers in this state of the country of
origin of covered commodities under subsection (b).

(4) A retailer of a covered commodity that is derived from an animal that is imported into the United States for immediate slaughter shall designate the origin of such covered commodity as:
(A) The country from where the animal was imported; and
(B) the United States.

(5) A retailer of a covered commodity that is derived from an animal that is not born, raised or slaughtered in the United States shall designate a country other than the United States as the country of origin of such commodity.

(6) The notice of country of origin for ground beef or ground pork shall include:
(A) A list of all countries of origin of such ground beef or ground pork; or
(B) a list of all reasonably possible countries of origin of such ground beef or ground pork.

(c) (1) The information required by this section may be provided to consumers in this state by means of a label, stamp, mark, placard or other clear and visible sign on the covered commodity or on the package, display, holding unit or bin containing the commodity at the final point of sale to consumers.

(2) If the covered commodity is already individually labeled for retail sale regarding the country of origin, the retailer shall not be required to provide any additional information to comply with this section.

(d) (1) The secretary may conduct an audit of any person in this state that prepares, stores, handles or distributes a covered commodity for retail sale to verify compliance with this section and any rules and regulations promulgated pursuant to this section. The secretary may adopt rules and regulations to implement or effectuate the purposes of this section.

(2) A person subject to an audit pursuant to this section shall provide the secretary with verification of the country of origin of covered commodities. Records maintained in the course of the normal conduct of the business of such person may serve as the verification. Such records may include, but are not limited to, animal health papers, import or customs documents, or producer affidavits.

(3) The secretary shall not require a person in this state who prepares, stores, handles or distributes a covered commodity to maintain a record of the country of origin of a covered commodity other than those maintained in the course of the normal conduct of the business of such person.

(e) Any person in this state engaged in the business of supplying a covered commodity to a retailer shall provide information to the retailer indicating the country of origin of the covered commodity.

(f) If the secretary determines that:
(1) Any person subject to an audit pursuant to this section refuses to provide the secretary with the required records; or

(2) any retailer or person in this state engaged in the business of supplying a covered commodity to a retailer has not made a good faith effort to comply with any of the requirements of this section and continues to willfully violate the section after receiving written notice of the violation, the secretary, after providing notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, may fine the retailer or person in an amount of not more than $1,000 for each violation.

Sec. 2. K.S.A. 65-6a47, 65-6a48, 65-6a49, 65-6a50, 65-6a51, 65-6a52, 65-6a53, 65-6a54 and 65-6a55 and K.S.A. 2017 Supp. 65-6a56 are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.