

HOUSE BILL No. 6119

June 6, 2018, Introduced by Reps. Wittenberg, Hammoud, Zemke, Rabhi, Cochran, Pagan, Liberati, Gay-Dagnogo, Robinson, Greimel, LaGrand, Durhal, Neeley, Phelps, Santana, Lasinski, Moss and Jones and referred to the Committee on Agriculture.

A bill to require disclosure of the basis for representing food to be halal or kosher and impose fines; to prohibit the sale and distribution of food represented to be halal or kosher that does not conform to the required disclosure; to prescribe penalties and allow remedies; to require the promulgation of rules; and to provide for the powers and duties of certain state governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "halal
2 and kosher food consumer protection act".

3 Sec. 2. As used in this act:

4 (a) "Dealer" means an establishment that advertises,
5 represents, or holds itself out as selling, preparing, or
6 maintaining food as halal or kosher, including, but not limited to,

1 a manufacturer, slaughterhouse, wholesaler, store, restaurant,
2 hotel, catering facility, butcher shop, summer camp, bakery,
3 delicatessen, supermarket, grocery store, nursing home, freezer
4 dealer, or food plan company. Dealer includes an establishment that
5 sells, prepares, or maintains food not represented as halal or
6 kosher in addition to selling food represented as halal or kosher.

7 (b) "Department" means the department of agriculture and rural
8 development.

9 (c) "Director" means the director of the department or the
10 director's designee.

11 (d) "Food" means a food, food product, food ingredient,
12 dietary supplement, or beverage.

13 (e) "Halal" means prepared or processed in accordance with
14 Islamic religious requirements.

15 (f) "Kosher" means prepared or processed in accordance with
16 orthodox Hebrew religious requirements sanctioned by a recognized
17 orthodox rabbinical council.

18 Sec. 3. (1) A dealer who prepares, distributes, sells, or
19 exposes for sale food represented to be halal or kosher shall
20 disclose the basis upon which that representation is made by
21 posting a sign that describes the basis in a conspicuous place upon
22 the premises at which the food is sold or exposed for sale.

23 (2) A dealer shall not prepare, distribute, sell, or expose
24 for sale food represented to be halal or kosher that does not
25 conform to the basis upon which that representation is made as it
26 is posted under subsection (1).

27 Sec. 4. (1) A dealer who fails to display the posting

1 required under section 3(1) is subject to an administrative fine of
2 not more than \$500.00 for the first offense and not more than
3 \$1,000.00 for the second or subsequent offense.

4 (2) A dealer who violates section 3(2) is guilty of a
5 misdemeanor as follows:

6 (a) For food represented to be kosher, a misdemeanor under
7 section 297e(6)(d) of the Michigan penal code, 1931 PA 328, MCL
8 750.297e.

9 (b) For food represented to be halal, a misdemeanor under
10 section 297f(4)(d) of the Michigan penal code, 1931 PA 328, MCL
11 750.297f.

12 (3) A person aggrieved by a violation of section 3(2) may, in
13 addition to, and distinct from any other remedy at law or equity,
14 bring a private cause of action, in any competent court of
15 jurisdiction, for damages resulting from the violation, including,
16 but not limited to, economic, noneconomic, or consequential
17 damages.

18 (4) A dealer does not violate section 3(2) if it is shown by a
19 preponderance of the evidence that the dealer relied in good faith
20 upon the representations of a slaughterhouse, manufacturer,
21 processor, packer, or distributor of food represented to be halal
22 or kosher.

23 Sec. 5. The department shall promulgate rules for the
24 administration and enforcement of this act under the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328,
26 including, but not limited to, the format, size, and placement of
27 the sign required under section 3 and the information that must be

1 included in the disclosure required by that section.

2 Enacting section 1. This act takes effect 90 days after the
3 date it is enacted into law.

4 Enacting section 2. This act does not take effect unless
5 Senate Bill No. ____ or House Bill No. 6120 (request no. 05040'17) of
6 the 99th Legislature is enacted into law.