

2017 -- H 5675

=====
LC001692
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

—————
A N A C T

RELATING TO FOOD AND DRUGS - RHODE ISLAND FOOD DRUGS AND COSMETICS
ACT

Introduced By: Representative Gregg Amore

Date Introduced: March 01, 2017

Referred To: House Health, Education & Welfare

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-31-11 of the General Laws in Chapter 21-31 entitled "Rhode
2 Island Food, Drugs, and Cosmetics Act" is hereby amended to read as follows:

3 **21-31-11. Misbranded food.**

4 A food shall be deemed to be misbranded:

5 (1) If its labeling is false or misleading in any way.

6 (2) If it is offered for sale under the name of another food.

7 (3) If it is an imitation of another food for which a definition and standard of identity
8 have been prescribed by regulations as provided by § 21-31-9; or if it is an imitation of another
9 food that is not subject to subdivision (7) of this section, unless its label bears in type of uniform
10 size and prominence, the word, "imitation," and, immediately after it, the name of the food
11 imitated.

12 (4) If its container is made, formed, or filled as to be misleading.

13 (5) If in package form, unless it bears a label containing: (i) the name and place of
14 business of the manufacturer, packer, or distributor; (ii) an accurate statement of the quantity of
15 the contents in terms of weight, measure, or numerical count; provided, that under paragraph (ii)
16 of this subdivision reasonable variations shall be permitted, and exemptions as to small packages
17 shall be established, by regulations prescribed by the director of health.

18 (6) If any word, statement, or other information required by or under authority of this

1 chapter to appear on the label or labeling is not prominently placed on it with such
2 conspicuousness (as compared with other words, statements, designs, or devices in the labeling)
3 and in such terms as to render it likely to be read and understood by the ordinary individual under
4 customary conditions of purchase and use.

5 (7) If it purports to be or is represented as a food for which a definition and standard of
6 identity have been prescribed by regulations as provided by § 21-31-9, unless: (i) it conforms to
7 the definition and standard, and (ii) its label bears the name of the food specified in the definition
8 and standard, and, insofar as may be required by the regulations, the common names of optional
9 ingredients (other than spices, flavoring, and coloring) present in the food.

10 (8) If it purports to be or is represented as:

11 (i) A food for which a standard of quality has been prescribed by regulations as provided
12 by § 21-31-9 and its quality falls below that standard unless its label bears, in the manner and
13 form that the regulations specify, a statement that it falls below the standard; or

14 (ii) A food for which a standard or standards of fill of container have been prescribed by
15 regulation as provided by § 21-31-9 and it falls below the standard of fill of container applicable
16 to it, unless its label bears, in the manner and form that the regulations specify, a statement that it
17 falls below the standard.

18 (iii) Fresh uncooked meat or meat food product for human consumption which consists
19 wholly or in part of refrozen meat unless it is clearly labeled as refrozen.

20 (9) If it is not subject to the provisions of subdivision (7) of this section, unless it bears
21 labeling clearly giving: (i) the common or usual name of the food, if any, and (ii) in case it is
22 fabricated from two (2) or more ingredients, the common or usual name of each ingredient;
23 except that spices, flavorings, and colorings, other than those sold as such, may be designated as
24 spices, flavorings, and colorings, without naming each; provided, that to the extent that
25 compliance with the requirements of paragraph (ii) of this subdivision is impractical or results in
26 deception or unfair competition, exemptions shall be established by regulations promulgated by
27 the director of health; provided, that the requirements of paragraph (ii) of this subdivision shall
28 not apply to any carbonated beverage, the ingredients of which have been fully and correctly
29 disclosed, to the extent prescribed by paragraph (ii) of this subdivision, to the director of health in
30 an affidavit.

31 (10) If it purports to be or is represented for special dietary uses, unless its label bears the
32 information concerning its vitamin, mineral, and other dietary properties that the director of
33 health determines to be, and by regulations prescribes, as necessary in order to fully inform
34 purchasers as to its value for those uses.

1 (11) If it bears or contains any artificial flavoring, artificial coloring, or chemical
2 preservative, unless it bears labeling stating that fact; provided, that to the extent that compliance
3 with the requirements of this subdivision is impracticable, exemptions shall be established by
4 regulations promulgated by the director of health.

5 (12) If it is a product intended as an ingredient of another food and when used according
6 to the directions of the purveyor will result in the final food product being adulterated or
7 misbranded.

8 (13) If its packaging or labeling is in violation of an applicable regulation issued pursuant
9 to § 23-24.1-3 or 23-24.1-4 of the Poison Prevention Packaging Act.

10 [\(14\) If its labeling fails to disclose the use of reduced oxygen or modified atmosphere](#)
11 [packaging and the date the food was packaged pursuant to §21-31-11.1.](#)

12 SECTION 2. Chapter 21-31 of the General Laws entitled "Rhode Island Food, Drugs,
13 and Cosmetics Act" is hereby amended by adding thereto the following section:

14 **21-31-11.1. Food labels.**

15 [Food labels and packaging information shall include a statement for any food packaged](#)
16 [in reduced oxygen packaging or modified oxygen packaging, that the food is so packaged,](#)
17 [including a list of the gasses used, including carbon monoxide, carbon dioxide, nitrogen, argon,](#)
18 [helium and oxygen, the percentage of each gas used, and the date the food was packaged, as set](#)
19 [forth in the U.S. Food and Drug Administration FDA Food Code §3-602.11.](#)

20 SECTION 3. This act shall take effect upon passage.

=====
LC001692
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS - RHODE ISLAND FOOD DRUGS AND COSMETICS
ACT

1 This act would require food packaging to disclose that food has been packaged in reduced
2 or modified oxygen, including a list of the gasses used, the percentage of each gas used, and the
3 date the food was packaged.

4 This act would take effect upon passage.

=====
LC001692
=====