

HOUSE BILL NO. 114

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

0725H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to false disparagement of perishable food products.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.530, to read as follows:

537.530. 1. For purposes of this section, the term "perishable food product" shall mean a food product of agriculture or aquaculture that is sold or distributed in a form that will perish or decay beyond marketability within a limited period of time.

2. A person shall be liable as provided under subsection 3 of this section if:

(1) The person disseminates in any manner information relating to a perishable food product to the public;

(2) The person knows the information is false; and

(3) The information states or implies that the perishable food product is not safe for consumption by the public.

3. A person who is liable under subsection 2 of this section is liable to the producer of the perishable food product for damages and any other appropriate relief arising from the person's dissemination of the information.

4. In determining if the information is false, the trier of fact shall consider whether the information was based on reasonable and reliable scientific inquiry, facts, or data.

5. No person shall be liable under this section for marketing or labeling any agricultural product in a manner that indicates that the product:

(1) Was grown or produced by using or not using a chemical or drug;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 **(2) Was organically grown; or**
- 19 **(3) Was grown without the use of any synthetic additive.**

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