

HB 1464-FN – AS INTRODUCED

2014 SESSION

14-2235
08/03

HOUSE BILL ***1464-FN***

AN ACT exempting New Hampshire agricultural products produced, sold, and consumed in New Hampshire from the FDA Food Safety and Modernization Act.

SPONSORS: Rep. Comtois, Belk 7; Rep. H. Richardson, Coos 4; Rep. Groen, Straf 10; Rep. Bixby, Straf 17; Rep. Lauer, Graf 15; Rep. Sylvia, Belk 6; Rep. Haefner, Hills 37; Rep. DiMartino, Belk 2; Rep. Itse, Rock 10; Sen. Cataldo, Dist 6

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill declares New Hampshire agricultural products produced, sold, and consumed in New Hampshire exempt from the FDA Food Safety and Modernization Act.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT exempting New Hampshire agricultural products produced, sold, and consumed in
New Hampshire from the FDA Food Safety and Modernization Act.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Regulation of Agricultural Products Produced and Consumed in
2 New Hampshire. Amend RSA 426 by inserting after section 10 the following new subdivision:

3 Regulation of Agricultural Products Produced and
4 Consumed in New Hampshire

5 426:11 Prohibitions. Notwithstanding any other law to the contrary, agricultural products
6 produced commercially or privately in New Hampshire and that remains within the state of
7 New Hampshire shall not be subject to the FDA Food Safety and Modernization Act of 2010, Public
8 Law (PL 111-353). It is declared by the legislature that those items have not traveled in interstate
9 commerce. This section applies only to agricultural products that are wholly produced in
10 New Hampshire. For purposes of this subdivision, “agricultural products” includes fruit, vegetables,
11 meat, meat products, poultry, poultry products, apian products, maple syrup, maple products, and
12 dairy products.

13 426:12 Marketing of Agricultural Products. Agricultural products produced, sold, and consumed
14 in New Hampshire under this chapter shall have the words “Made in New Hampshire” clearly
15 stamped, inscribed, or otherwise marked on the agricultural product or on the container holding
16 such agricultural products.

17 426:13 Applicability. This subdivision shall apply to agricultural products produced and
18 retained in New Hampshire after January 1, 2015.

19 2 Effective Date. This act shall take effect January 1, 2015.

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HB 1464-FN - FISCAL NOTE

AN ACT exempting New Hampshire agricultural products produced, sold, and consumed in New Hampshire from the FDA Food Safety and Modernization Act.

FISCAL IMPACT:

The Department Agriculture, Markets and Food states this bill, as introduced, will have an indeterminable fiscal impact on state revenue and expenditures in FY 2015 and each year thereafter. There will be no fiscal impact on county or local revenue and expenditures.

METHODOLOGY:

The Department of Agriculture, Markets and Food states this bill would exempt New Hampshire agricultural products produced, sold, and consumed in New Hampshire from the FDA Food Safety Modernization Act (FSMA). The Department is not able to determine the fiscal impact because the federal rules are in proposed form, the Department believes the final rules will be significantly different from the proposed rules, and it is unclear what roles the state agencies will have in administering the rules. In addition, the Department cannot determine how many New Hampshire producers will choose to sell their product exclusively in New Hampshire and be exempt from the FSMA.

The Department of Health and Human Services does not anticipate this bill would have a fiscal impact on its operating budget.