



**House  
Legislative  
Analysis  
Section**

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## HALAL FOODS

### House Bill 5480 (Substitute H-2) First Analysis (1-29-02)

**Sponsor: Rep. Gary Woronchak**  
**Committee: Agriculture and Resource  
Management**

#### ***THE APPARENT PROBLEM:***

It is estimated that Michigan has the second highest Arab-American population in the country. The Metro Detroit area alone has an estimated 315,000 Arab-American citizens. The large concentrations of Arab-Americans has led many stores to carry items marketed specifically toward this population. Many grocery stores in the Dearborn area carry "halal" food for consumption by Muslims. Halal foods are foods that are prepared according to Muslim tradition. This is similar in concept to Jewish kosher foods. As more stores begin to carry halal foods, it is becoming increasingly necessary to ensure that foods that are labeled to be halal, are indeed halal. Thus, legislation has been introduced to ensure consumer protection of halal foods.

#### ***THE CONTENT OF THE BILL:***

The bill would provide penalties for consumer fraud in the sale of halal food or food products prepared in accordance with Islamic religious requirements, in a manner that mirrors current law protecting against consumer fraud in the sale of kosher food.

Under the bill, a person who did any of the following with the intent to defraud would be guilty of a misdemeanor:

- Selling or exposing for sale any meat, meat preparation, article of food, or food product, and falsely representing it to be halal, either by an oral or written statement, which was reasonably calculated to deceive a person or lead a reasonable person to believe that the food were halal.
- Falsely representing any food product to be halal, by having or permitting the word "halal" to be inscribed on the package or container in any language.
- Exposing for sale in any show window or place of business halal and nonhalal meat or meat preparations, or both halal and nonhalal food or food

products, and failing to identify each kind of meat or meat preparation as "halal meat" or "halal food".

- Displaying words or letters in Arabic characters other than the word "halal", or displaying any sign, mark, or symbol meaning the same, without also displaying in English letters of the same size, the words "we sell halal meat and food only", or "we sell nonhalal meat and food only", or "we sell both halal and nonhalal meat and food".

The bill also states that the possession of nonhalal food in any place of business advertising the sale of halal food only would be presumptive evidence that the person in possession exposes the nonhalal meat and food for sale with the intent to defraud.

In addition, a person who did any of the following would be guilty of a misdemeanor:

- Willfully identifying or representing, or causing to be identified or represented, nonhalal food or food products as being halal.
- Willfully removing or altering, or causing to be removed or altered, the original slaughterhouse plumba or any other identification mark or tag affixed to food or food products to indicate that those food or food products are halal.
- Knowingly selling, disposing of, or possessing, with the purpose of reselling to any person as halal, any food or food product that does not have the original slaughterhouse plumba or any other tag that indicates that the food or food product is halal affixed to the food or food product, or any food or food product which has a fraudulently affixed tag.

The Department of Agriculture would be required to investigate and inspect the sale of halal meat and meat preparation, and would enforce the bill. The department could promulgate any rules necessary for the enforcement and administration of the bill.

MCL 750.297f

## ***BACKGROUND INFORMATION:***

**Halal Foods.** Halal means “lawful” or “permitted”. According to Islamic belief, halal foods are those that are permitted by Allah for Muslim consumption. Foods that are considered to be Halal are milk (from cows, sheep, camels, and goats), honey, fish, plants which are not intoxicant, fresh or naturally frozen vegetables, fresh or dried fruits, legumes and nuts, and grains (wheat, rice, rye, barley, oat, et al).

Meat from cows, sheep, goats, deer, moose, chickens, ducks, game birds, etc., are also considered halal, though they must be slaughtered according to Islamic rites (Zabihah) in order to be suitable for consumption. Under these beliefs, a Muslim must slaughter the animal. The animal should be placed on the ground (or held if it is small) and have its throat slit (though not completely severed) with a sharp knife in order to ensure that the main blood vessels are cut. While cutting the animal’s throat, the person must pronounce the name of Allah, or recite a blessing, which contains the name of Allah. In addition, the animal must be fed grains, and cannot be fed the by-products of other animals.

Foods that are not halal are called haram. Haram foods are swine/pork and its by-products; animals that are improperly slaughtered or dead before being slaughtered; alcohol and intoxicants; carnivorous animals, birds of prey, land animals without external ears, and almost all reptiles and insects; blood and blood by-products; and any foods contaminated with any of the above products.

Indeed, there are a great number of food products of questionable origin. These are often referred to as mashbooh. These foods/ingredients include, among others, “artificial” or “natural” coloring or flavoring and polysorbates. The purpose of certifying foods as being halal is to assure the consumer that the food he or she is consuming is halal.

**Enforcement.** According to committee testimony, the Department of Agriculture (MDA) does not have sufficient staff to proactively inspect facilities on a regular basis. Generally, the MDA would investigate complaints, similar to the way it enforces the state’s kosher food laws.

**Halal Food Laws in Other States.** In recent years, there have been a few states that have enacted laws protecting the sale of Halal foods.

**New Jersey.** New Jersey became the first state to protect the sale of halal food with the enactment of

Chapter 60 of the Public Laws of 2000 (SB 460). Under the law, halal food “dealers” who prepare, distribute, sell, or expose for sale any food represented to be halal must disclose the basis for representing food as being halal. Possession by a dealer of any food that does not conform to the disclosure requirement is presumptive evidence that the person possesses the food with the intent to sell it. A “dealer” includes manufacturers, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, nursing homes, freezer dealers, and food plan companies.

The Assembly Committee on Consumer Affairs and Regulated Professions adopted several amendments, which were not enacted into law, that mirrored the kosher food provisions in Title 2C of the New Jersey Statutes. These committee amendments pertained to falsely representing food to be halal, and are substantially similar to many of the provisions of House Bill 5480.

**Minnesota.** Minnesota’s halal food protection law, Chapter 54 of the 2001 Minnesota Session Laws (H.F. 149), was enacted into law in April 2001. Under the Minnesota law, a person must not serve, sell, or expose for sale food, meat, or poultry falsely represented as halal. A person must also not permit food, meat, poultry, or the content of a package to be labeled as halal, unless it has been prepared and maintained in accordance to the laws and customs of the Islamic religion. In addition, a person must not make an oral or written statement that deceives or leads a person to believe that non-halal food, meat, or poultry is indeed halal.

Similar to New Jersey law, the possession of non-halal food, meat, or poultry in a place of business is presumptive evidence that the person possesses the food with the intent to sell it. Under Minnesota law, it is a defense for a person charged with misrepresenting non-halal food, meat, or poultry as halal that he or she relied in good faith on the representation of the slaughterhouse, manufacturer, processor, packer, distributor, or person or organization which certifies food as being prepared under Islamic traditions.

Similar to Minnesota’s kosher food laws and several provisions of House Bill 5480, under Minnesota’s halal food law, a person shall not willfully mark, stamp, tag, brand, label, or otherwise identify or cause to be identified as halal food, meat, or poultry

that is not halal. In addition, a person shall not willfully remove, alter, or destroy the original halal sign, tag, or other means of identification affixed to food, meat, or poultry to indicate that the foods are halal.

Finally, under Minnesota law, a person shall not knowingly sell, dispose of, or possess for the purpose of resale as halal any food, meat, or poultry that does not have the original, or contains a fraudulently affixed, halal sign, mark, stamp, tag, brand, label, or other means of identification.

Illinois. Illinois became the third state to pass a halal food law (Public Act 92-0394). Similar to recently enacted halal food laws in New Jersey and Minnesota, the Illinois law makes it unlawful for a person to deceive consumers into believing a non-halal product is really halal.

In addition, any dealer who grows animals and claims that they are halal must prove that the animals are indeed halal, according to the requirement set forth by the state's director of agriculture. In addition, a dealer cannot offer for sale any animal that is claimed to be grown in a halal way until the dealer has registered information of the certifying Islamic agency specializing in halal food or the supervising Muslim inspector of halal food with the director of agriculture. Under the law, a "dealer" is any establishment that advertises, represents, or holds itself out as growing animals in a halal way, or selling, preparing, or maintaining food as halal. This includes, among others, manufacturers, animal farms, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, and butcher shops.

Legislation in Other States. Similar legislation is pending in California (AB 1828 of the 2001-02 session), New York (AB 514 of the 2001-02 session), Georgia (HB 82 of the 2001-02 session), and Washington (HB 2283 and HB 2710 of the 2002 regular session).

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill's fiscal impact on the state is indeterminate at this time. The fiscal impact would be dependent upon the number of inspectors necessary to fulfill the requirements of the act, and on fees for these services, if any. (1-24-02)

### ***ARGUMENTS:***

#### ***For:***

This bill is a matter of consumer protection. Throughout the state, there are many stores and restaurants that claim to sell halal foods. However, current law does not ensure that the food being sold is actually halal. This bill recognizes the state's increasing Muslim population and protects the interests of the Muslim community by preserving the integrity of Islamic dietary (halal) requirements. For many years now, the Jewish community has benefited from the additional protection current law provides to its dietary (kosher) requirements. The bill would simply extend this protection to include members of the Muslim community as well.

### ***POSITIONS:***

The Department of Agriculture supports the bill. (1-24-02)

The Michigan Jewish Conference supports the bill. (1-24-02)

The Michigan Board of Rabbis supports the bill. (1-24-02)

The Jewish Community Council supports the bill. (1-24-02)

The Michigan Grocers Association supports the bill. (1-24-02)

Spartan Stores, Inc. supports the bill. (1-24-02)

The Islamic House of Wisdom, a mosque in Dearborn Heights, supports the bill. (1-24-02)

The Council on American-Islamic Relations supports the bill. (1-25-02)

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.