

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5480 (Substitute H-2 as reported without amendment)
Sponsor: Representative Gary Woronchak
House Committee: Agriculture and Resource Management
Senate Committee: Farming, Agribusiness and Food Systems

Date Completed: 4-2-02

RATIONALE

According to Islamic law, Muslims must eat "halal" (permitted or lawful) foods and avoid "haram" (forbidden) foods. Vegetables, fruits, milk, fish, nuts, and grains are halal, as are cows, sheep, goats, chickens, and ducks, provided that they are slaughtered according to Islamic rites. (The animal must be killed by a Muslim who prays over the animal and the blood must be drained through the animal's neck.) Pork, alcohol, gelatin, and lard are haram in any amount. Certain organizations, such as the Muslim Consumer Group and the Islamic Food and Nutrition Council of America, certify halal foods as authentic, yet no penalties exist to deter merchants, butchers, or others from making false claims about halal food. The law does, however, provide penalties for those who sell kosher foods with intent to defraud (MCL 750.297e). Some people believe that similar penalties should exist for the fraudulent sale of halal foods.

CONTENT

The bill would amend the Michigan Penal Code to make the fraudulent sale of halal food a misdemeanor; and require the Department of Agriculture to investigate and inspect the sale of halal food. The bill would define "halal" as prepared or processed in accordance with Islamic religious requirements.

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

- Sold or exposed for sale in any place where food products were sold for consumption on or off the premises any meat, meat preparation, article of food, or food product, and falsely represented it to be

halal. False representation would include oral or written communication that would be reasonably calculated to deceive or lead a reasonable person to believe that the food was halal.

- Falsely represented any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed on the package or container the word "halal" in English.
- Exposed for sale in any show window or place of business both halal and nonhalal meat or meat preparations, or halal and nonhalal food or food products, whether raw or prepared for human consumption, and failed to identify each kind of meat or meat preparation as "halal meat" or "halal food".
- Displayed in his or her window, door, or place of business, or in handbills or other printed material distributed inside or outside of his or her place of business, words or letters in Arabic characters other than the word "halal" or any sign, emblem, insignia, symbol, or mark in simulation of the same, without also displaying in English letters of at least the same size as such characters, signs, emblems, insignia, symbols, or marks, 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".

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

- Willfully marked, stamped, tagged, branded, labeled, or by any other means of identification represented or caused to be marked, stamped, tagged, branded, labeled, or represented as halal food or food products not halal or not so prepared.

- Willfully removed, defaced, obliterated, covered, altered, or destroyed, or caused to be removed, defaced, obliterated, covered, altered, or destroyed the original slaughterhouse plumba or any other mark, stamp, tag, brand, label, or any other means of identification affixed to foods or food products to indicate that they were halal.
- Knowingly sold, disposed of, or possessed, for the purpose of resale to any person as halal, any food or food product not having affixed to it the original slaughterhouse plumba or any other mark, stamp, tag, brand, label, or other means of identification indicating that the food was halal, or any food to which such plumba, mark, stamp, tag, brand, label, or other means of identification had been fraudulently affixed.

The bill provides that 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 exposed the nonhalal meat and food for sale with intent to defraud.

Under the bill, the Department of Agriculture would have to investigate and inspect the sale of halal food products and would have to enforce the Act. The Department could promulgate rules for the enforcement and administration of the bill.

Proposed MCL 750.297f

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would provide protection for the large number of Muslims living in Michigan. According to the *Lansing State Journal* (4-1-02), this State has the nation's second highest Arab-American population in the nation after California. While the Michigan Department of Agriculture has not received any complaints about fraudulent halal sales, it has fielded inquiries about halal regulation. Laws governing halal foods have been passed in New Jersey, Illinois, and Minnesota; similar legislation is pending in three other states. Michigan should follow their example, and

provide peace of mind for its many Muslim residents.

Legislative Analyst: Claire Layman

FISCAL IMPACT

According to the Michigan Department of Agriculture, the bill would result in additional administrative costs associated with the staff costs involved in the investigation and inspection of halal food. The Department would not require additional staff for this work. The Department would absorb the workload within current resources.

The bill would have an indeterminate impact on local governments. There are no data to indicate how many people would be convicted of the proposed offenses. Offenders would be convicted of a misdemeanor. Misdemeanors for which no penalty is indicated are punishable by probation or incarceration for up to 90 days and a fine of up to \$100. Local units would incur the costs of probation and incarceration, which varies by county from \$27 to \$65 per day. Libraries would receive any additional penal fine revenue raised under this bill.

Fiscal Analyst: Craig Thiel
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.