

HOUSE BILL No. 6120

June 6, 2018, Introduced by Reps. Hammoud, Wittenberg, Zemke, Rabhi, Cochran, Pagan, Liberati, Gay-Dagnogo, Robinson, Greimel, LaGrand, Durhal, Neeley, Phelps, Lasinski, Moss and Jones and referred to the Committee on Agriculture.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 297e and 297f (MCL 750.297e and 750.297f),
section 297f as added by 2002 PA 207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 297e. (1) As used in this section, "kosher" means
2 prepared or processed in accordance with orthodox Hebrew religious
3 requirements sanctioned by a recognized orthodox rabbinical
4 council.

5 (2) A person ~~who,~~ **THAT**, with intent to defraud, ~~sells~~ **DOES ANY**
6 **OF THE FOLLOWING IS GUILTY OF A MISDEMEANOR:**

7 **(A) SELLS** or exposes for sale any meat or meat ~~preparations,~~
8 **PREPARATION**, article of food, or food ~~products,~~ **PRODUCT** and falsely
9 represents ~~the same~~ **IT** to be kosher, whether ~~such~~ **THE** meat or meat
10 ~~preparations,~~ **PREPARATION**, article of food, or food ~~products are~~

1 **PRODUCT IS** raw or prepared for human consumption, either by direct
 2 statement orally, or in writing, ~~which~~**THAT** might reasonably be
 3 calculated to deceive or lead a reasonable ~~man~~**PERSON** to believe
 4 that a representation is being made that ~~such~~**THE** food is kosher.
 5 ~~or falsely~~

6 **(B) FALSELY** represents ~~any~~**A** food ~~products~~**PRODUCT** or the
 7 contents of ~~any~~**A** package or container to be ~~so~~ constituted and
 8 prepared ~~, AS KOSHER~~ by having or permitting to be inscribed
 9 ~~thereon~~**ON THE FOOD PRODUCT, PACKAGE, OR CONTAINER** the word
 10 "kosher" in any language. ~~, or sells~~

11 **(C) SELLS** or exposes for sale in the same place of business
 12 both kosher and nonkosher meat or meat preparations, or both kosher
 13 and nonkosher food or food products, either raw or prepared for
 14 human consumption, and ~~who~~ fails to indicate on his **OR HER** window
 15 signs and all display advertising, in block letters at least 4
 16 inches in height, "kosher and nonkosher meat sold here" or "kosher
 17 and nonkosher food sold here". ~~, or who exposes~~

18 **(D) EXPOSES** for sale in any show window or place of business
 19 both kosher and nonkosher meat or meat preparations, or kosher and
 20 nonkosher food or food products, either raw or prepared for human
 21 consumption, and ~~who~~ fails to display over each ~~kind of meat or~~
 22 ~~meat preparation so exposed~~ a sign in block letters at least 4
 23 inches in height ~~reading~~**THAT IDENTIFIES THE MEAT OR MEAT**
 24 **PREPARATION AS** "kosher meat" or "nonkosher meat", or "kosher food"
 25 or "nonkosher food". ~~, or who displays~~

26 **(E) DISPLAYS** on his **OR HER** window, door, or in his **OR HER**
 27 place of business, or in ~~handbills~~**A HANDBILL** or other printed

1 matter distributed ~~in~~ **INSIDE** or outside of his **OR HER** place of
 2 business, words or letters in Hebraic characters, other than the
 3 word "kosher", or any sign, emblem, insignia, 6-pointed star,
 4 symbol, or **SIMILAR** mark, ~~in simulation of same,~~ without **ALSO**
 5 displaying ~~in conjunction therewith~~ in English letters of at least
 6 the same size as ~~such~~ **THOSE** characters, signs, emblems, insignia,
 7 symbols, or marks, the words "we sell kosher meat and food only" or
 8 "we sell nonkosher meat and food only", or "we sell both kosher and
 9 nonkosher meat and food". ~~is guilty of a misdemeanor.~~

10 (3) Possession of nonkosher meat ~~and~~ **OR** food ~~,~~ in any place of
 11 business advertising the sale of kosher meat ~~and~~ **OR** food only ~~,~~ is
 12 presumptive evidence that the person in possession exposes the ~~same~~
 13 **NONKOSHER MEAT OR FOOD** for sale with intent to defraud. ~~, in~~
 14 ~~violation of the provisions of this section.~~

15 (4) ~~(3)~~ A person ~~who,~~ **THAT**, with intent to defraud, ~~sells~~ **DOES**
 16 **ANY OF THE FOLLOWING IN A HOTEL, RESTAURANT, OR OTHER PLACE WHERE**
 17 **FOOD PRODUCTS ARE SOLD FOR CONSUMPTION ON OR OFF THE PREMISES, IS**
 18 **GUILTY OF A MISDEMEANOR:**

19 (A) **SELLS** or exposes for sale ~~in any hotel, restaurant or~~
 20 ~~other place where food products are sold for consumption on or off~~
 21 ~~the premises,~~ any meat or meat preparations, **PREPARATION**, article
 22 of food, or food products, **PRODUCT**, and falsely represents ~~the same~~
 23 **IT** to be kosher, whether ~~such~~ **THE** meat or meat preparations,
 24 **PREPARATION**, article of food, or food products ~~be~~ **PRODUCT IS** raw or
 25 prepared for human consumption, either by direct statement orally,
 26 or in writing, ~~which~~ **THAT** might reasonably be calculated to deceive
 27 or lead a reasonable ~~man~~ **PERSON** to believe that a representation is

1 being made that such food is kosher. ~~or falsely~~

2 (B) **FALSELY** represents ~~any~~ **A** food product or the contents of
 3 ~~any~~ **A** package or container to be ~~so~~ constituted and prepared ~~, AS~~
 4 **KOSHER** by having or permitting to be inscribed ~~thereon~~ **ON THE FOOD**
 5 **PRODUCT, PACKAGE, OR CONTAINER** the word "kosher" in any language. ~~+~~
 6 ~~or sells~~

7 (C) **SELLS** or exposes for sale in the same place of business
 8 both kosher and nonkosher meat or meat preparations, or both kosher
 9 and nonkosher food or food products, either raw or prepared for
 10 human consumption, and ~~who~~ fails to indicate on his **OR HER** window
 11 signs and all display advertising, in block letters at least 4
 12 inches in height, "kosher and nonkosher food sold here". ~~, or who~~
 13 ~~exposes~~

14 (D) **EXPOSES** for sale in any show window or place of business
 15 both kosher and nonkosher food or food products, either raw or
 16 prepared for human consumption, and ~~who~~ fails to display over each
 17 ~~kind of food or food preparation so exposed~~ a sign in block letters
 18 at least 4 inches in height ~~reading~~ **IDENTIFYING THE FOOD OR FOOD**
 19 **PREPARATION AS** "kosher food" or "nonkosher food". ~~, or who displays~~

20 (E) **DISPLAYS** on his **OR HER** window, door, or in his **OR HER**
 21 place of business, or in ~~handbills~~ **A HANDBILL** or other printed
 22 matter distributed ~~in~~ **INSIDE** or outside of his **OR HER** place of
 23 business, words or letters in Hebraic characters, other than the
 24 word "kosher", or any sign, emblem, insignia, 6-pointed star,
 25 symbol, or **SIMILAR** mark, ~~in simulation of same,~~ without **ALSO**
 26 displaying ~~in conjunction therewith~~ in English letters of at least
 27 the same size as ~~such~~ **THOSE** characters, signs, emblems, insignia,

1 symbols, or marks, the words "we sell kosher food only" or "we sell
 2 nonkosher food only", or "we sell both kosher and nonkosher food".
 3 ~~is guilty of a misdemeanor.~~

4 (5) Possession of nonkosher food ~~in~~ any place of business
 5 advertising the sale of kosher food only ~~is~~ presumptive evidence
 6 that the person in possession exposes the ~~same~~ **NONKOSHER FOOD** for
 7 sale with intent to defraud. ~~in violation of the provisions of~~
 8 ~~this section.~~

9 (6) ~~(4) No person shall:~~ **A PERSON THAT DOES ANY OF THE**
 10 **FOLLOWING IS GUILTY OF A MISDEMEANOR:**

11 (a) ~~Wilfully mark, stamp, tag, brand, label~~ **WILLFULLY MARKS,**
 12 **STAMPS, TAGS, BRANDS, LABELS,** or in any other way or by any other
 13 means of identification ~~represent~~ **REPRESENTS AS KOSHER,** or ~~cause~~
 14 **CAUSES** to be marked, stamped, tagged, branded, labeled, or
 15 represented as kosher, food or food products **THAT ARE** not kosher or
 16 not so prepared.

17 (b) ~~Wilfully remove, deface, obliterate, cover, alter or~~
 18 ~~destroy, or cause~~ **WILLFULLY REMOVES, DEFACES, OBLITERATES, COVERS,**
 19 **ALTERS, OR DESTROYS, OR CAUSES** to be removed, defaced, obliterated,
 20 covered, altered, or destroyed, the original slaughterhouse plumba
 21 or any other mark, stamp, tag, brand, label, or ~~any~~ other means of
 22 identification affixed to ~~foods~~ **A FOOD** or food ~~products~~ **PRODUCT** to
 23 indicate that ~~such foods~~ **THE FOOD** or food ~~products are~~ **PRODUCT IS**
 24 kosher.

25 (c) Knowingly ~~sell, dispose of or have~~ **SELLS, DISPOSES OF, OR**
 26 **HAS** in his **OR HER** possession, for the purpose of resale to any
 27 person as kosher, ~~any~~ **EITHER OF THE FOLLOWING:**

1 (i) A food or food ~~products not having~~ **PRODUCT TO WHICH THE**
 2 **PERSON HAS NOT** affixed ~~thereto~~ the original slaughterhouse plumba
 3 or any other mark, stamp, tag, brand, label, or other means of
 4 identification employed to indicate that ~~such~~ **THE** food or food
 5 ~~products are~~ **PRODUCT IS** kosher. ~~or any~~

6 (ii) A food or food ~~products~~ **PRODUCT** to which ~~such~~ **A**
 7 **SLAUGHTERHOUSE** plumba, mark, stamp, tag, brand, label, or other
 8 means of identification has ~~or have~~ been fraudulently affixed.

9 (D) **KNOWINGLY PREPARES, DISTRIBUTES, SELLS, OR EXPOSES FOR**
 10 **SALE ANY MEAT, MEAT PREPARATION, ARTICLE OF FOOD, OR FOOD PRODUCT**
 11 **REPRESENTED TO BE KOSHER THAT DOES NOT CONFORM TO A DISCLOSURE**
 12 **POSTED BY THAT PERSON IN HIS OR HER PLACE OF BUSINESS THAT**
 13 **DESCRIBES THE BASIS UPON WHICH THAT REPRESENTATION IS MADE. A**
 14 **PERSON DOES NOT VIOLATE THIS SUBDIVISION IF IT IS SHOWN BY A**
 15 **PREPONDERANCE OF THE EVIDENCE THAT THE PERSON RELIED IN GOOD FAITH**
 16 **UPON THE REPRESENTATIONS OF A SLAUGHTERHOUSE, MANUFACTURER,**
 17 **PROCESSOR, PACKER, OR DISTRIBUTOR OF THE MEAT, MEAT PREPARATION,**
 18 **ARTICLE OF FOOD, OR FOOD PRODUCT REPRESENTED TO BE KOSHER.**

19 (7) ~~(5)~~ The department of agriculture **AND RURAL DEVELOPMENT**
 20 shall investigate, inspect and supervise the sale of meat and meat
 21 preparations and enforce the provisions of this ~~act.~~ **SECTION.** The
 22 department ~~may~~ **OF AGRICULTURE AND RURAL DEVELOPMENT SHALL**
 23 promulgate rules and regulations for the enforcement and
 24 administration of this ~~act in accordance with the provisions of Act~~
 25 ~~No. 88 of the Public Acts of 1943, as amended, being sections 24.71~~
 26 ~~to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197~~
 27 ~~of the Public Acts of 1952, as amended, being sections 24.101 to~~

~~24.110 of the Compiled Laws of 1948.~~ **SECTION UNDER THE**
ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
24.328.

~~(6) Any person who violates the provisions of this section is~~
~~guilty of a misdemeanor.~~

Sec. 297f. (1) As used in this section, "halal" means prepared
or processed in accordance with Islamic religious requirements.

(2) A person ~~who,~~ **THAT**, with intent to defraud, does any of
the following is guilty of a misdemeanor:

(a) Sells or exposes for sale in any place where food products
are sold for ~~consumption~~ **CONSUMPTION** on or off the premises any
meat, meat preparation, article of food, or food product, and
falsely represents it to be halal, whether the meat, or meat
preparation, article of food, or food product is raw or prepared
for human consumption, either by direct statement orally, or in
writing, ~~which~~ **THAT** is reasonably calculated to deceive or lead a
reasonable person to believe that a representation is being made
that ~~that~~ **THE** food is halal.

(b) Falsely represents ~~any~~ **A** food product or the contents of
~~any~~ **A** package or container to be ~~so~~ constituted and prepared ~~, AS~~
HALAL by having or permitting to be inscribed on the **FOOD PRODUCT**,
package, or container the word "halal" in English.

(c) Exposes 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, either raw or prepared for human
consumption, and ~~who~~ fails to identify each kind of meat or meat
preparation as "halal meat" or "halal food".

1 (d) Displays on his or her window, door, or in his or her
 2 place of business, or in ~~handbills~~ **A HANDBILL** or other printed
 3 matter distributed inside or outside of his or her place of
 4 business, words or letters in Arabic characters, other than the
 5 word "halal", or any sign, emblem, insignia, symbol, or **SIMILAR**
 6 mark, ~~in simulation of same,~~ without also displaying in English
 7 letters of at least the same size as ~~such~~ **THOSE** characters, signs,
 8 emblems, insignia, symbols, or marks, the words "we sell halal meat
 9 and food only" or "we sell nonhalal meat and food only", or "we
 10 sell both halal and nonhalal meat and food".

11 (3) Possession of nonhalal **MEAT OR** food ~~—~~ in any place of
 12 business advertising the sale of halal food only ~~—~~ is presumptive
 13 evidence that the person in possession exposes the nonhalal meat
 14 ~~and~~ **OR** food for sale with intent to defraud.

15 (4) A person ~~who~~ **THAT** does any of the following is guilty of a
 16 misdemeanor:

17 (a) Willfully marks, stamps, tags, brands, labels, or in any
 18 other way or by any other means of identification represents **AS**
 19 **HALAL**, or causes to be marked, stamped, tagged, branded, labeled,
 20 or represented as halal, food or food products **THAT ARE** not halal
 21 or not so prepared.

22 (b) Willfully removes, defaces, obliterates, covers, alters,
 23 or destroys, or causes to be removed, defaced, obliterated,
 24 covered, altered, or destroyed the original slaughterhouse plumba
 25 or any other mark, stamp, tag, brand, label, or ~~any~~ other means of
 26 identification affixed to ~~foods~~ **A FOOD** or food ~~products~~ **PRODUCT** to
 27 indicate that ~~those foods~~ **THE FOOD** or food ~~products are~~ **PRODUCT IS**

1 halal.

2 (c) Knowingly sells, disposes of, or has in his or her
3 possession, for the purpose of resale to any person as halal, ~~any~~

4 **EITHER OF THE FOLLOWING:**

5 (i) A food or food ~~products not having~~ **PRODUCT TO WHICH THE**
6 **PERSON HAS NOT** affixed ~~to the food or food product~~ the original
7 slaughterhouse plumba or any other mark, stamp, tag, brand, label,
8 or other means of identification employed to indicate that ~~that~~ **THE**
9 food or food product is halal. ~~or any~~

10 (ii) A food or food ~~products~~ **PRODUCT** to which ~~such a~~
11 **SLAUGHTERHOUSE** plumba, mark, stamp, tag, brand, label, or other
12 means of identification has been fraudulently affixed.

13 (D) KNOWINGLY PREPARES, DISTRIBUTES, SELLS, OR EXPOSES FOR
14 SALE ANY MEAT, MEAT PREPARATION, ARTICLE OF FOOD, OR FOOD PRODUCT
15 REPRESENTED TO BE HALAL THAT DOES NOT CONFORM TO A DISCLOSURE
16 POSTED BY THAT PERSON IN HIS OR HER PLACE OF BUSINESS THAT
17 DESCRIBES THE BASIS UPON WHICH THAT REPRESENTATION IS MADE. A
18 PERSON DOES NOT VIOLATE THIS SUBDIVISION IF IT IS SHOWN BY A
19 PREPONDERANCE OF THE EVIDENCE THAT THE PERSON RELIED IN GOOD FAITH
20 UPON THE REPRESENTATIONS OF A SLAUGHTERHOUSE, MANUFACTURER,
21 PROCESSOR, PACKER, OR DISTRIBUTOR OF THE MEAT, MEAT PREPARATION,
22 ARTICLE OF FOOD, OR FOOD PRODUCT REPRESENTED TO BE HALAL.

23 (5) The department of agriculture **AND RURAL DEVELOPMENT** shall
24 investigate and inspect the sale of halal food products and shall
25 enforce this ~~act.~~ **SECTION.** The department of agriculture ~~may~~ **AND**
26 **RURAL DEVELOPMENT SHALL** promulgate rules for the enforcement and
27 administration of this section under the administrative procedures

1 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.