



2017-2018 General Assembly

SENATE BILL 711: NC Farm Act of 2018, Sec. 6: Direct Department of Agriculture and Consumer Services to Address Mislabeling of Plant-Based Products as "Milk"

Committee:
Introduced by:
Analysis of: Sec. 6 of S.L. 2018-113

Date: July 3, 2018
Prepared by: Chris Saunders
Staff Attorney

OVERVIEW: *Sec. 6 of S.L. 2018-113 directs the Food and Drug Protection Division of the Department of Agriculture and Consumer Services ("Department") to immediately develop an enforcement plan to enforce the United States Food and Drug Administration's standard of identity for milk and the Pasteurized Milk Ordinance, as adopted in the North Carolina Administrative Code, to prohibit the sale of plant-based products mislabeled as milk, such as soy milk and almond milk.*

No later than 90 days after the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia, the Department would be required to implement its enforcement plan, including notification of the Department's intent to embargo all mislabeled products offered for sale in the State. No later than 6 months after 11 of these states adopt consistent labeling requirements, plant-based products displayed for sale in this State must be labeled in accordance with FDA's standard of identity for milk and the Pasteurized Milk Ordinance. This will prohibit beverages derived from plants from being labeled as milk, such as "soy milk" and "almond milk."

Nothing in this section should be construed to limit the Department's authority to enforce its laws and regulations.

This bill was vetoed by the Governor on June 25, 2018, and that veto was overridden by the General Assembly on June 27, 2018. This section became effective June 27, 2018.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578