

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1201

Short Title: Date Labels for Perishable Foods.

(Public)

Sponsors: Senators Hagan; Albertson, Ballance, Carter, Garrou, Gulley, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Perdue, Phillips, Rand, Robinson, and Wellons.

Referred to: Commerce.

May 10, 2000

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE RETAIL FOOD ESTABLISHMENTS TO STAMP OR
2 ATTACH LABELS TO PREPACKAGED MEATS AND OTHER PERISHABLE
3 FOODS SHOWING THE RECOMMENDED LAST DAY OF SALE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 12 of Chapter 106 of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 106-122.1. Labels showing recommended last day of sale for perishable foods.**

8 (a) A retail food establishment shall not sell or offer for sale prepackaged meats,
9 poultry, seafood, or other perishable food unless there clearly and conspicuously is
10 stamped upon the package, or a label attached thereto, showing the recommended last
11 day of sale, indicated by month and day. The label or stamp showing the last
12 recommended day of sale shall not be altered or removed. The packaged food shall not
13 be rewrapped or repackaged with a last recommended day of sale different from the date
14 on the original package.

15 (b) This section does not prohibit the sale of food after the last recommended day
16 of sale indicated on the stamp or label if (i) the food is wholesome and sound and (ii) the
17 package clearly shows that the food is being sold after the last recommended day of sale.
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1 (c) The following definitions apply in this section:

2 (1) 'Perishable food' means any food in a package form which the
3 manufacturer, packer, or retailer, in conjunction with the Department of
4 Agriculture and Consumer Services, determines as having a significant
5 risk of spoilage, loss of value, or loss of palatability within 90 days of
6 the date of packaging.

7 (2) 'Prepackaged' means packaged prior to being displayed or offered for
8 sale.

9 (3) 'Retail food establishment' means a business that prepares and sells meat
10 or meat products, poultry, seafood, or other perishable foods to
11 consumers at retail.

12 (d) This section shall not apply to the sale or offering for sale of fresh fruits and
13 vegetables, canned foods, or frozen foods. This section shall not apply to perishable food
14 products packaged under, and in compliance with, State or federal laws and regulations
15 requiring equal or greater information than that required in this section.

16 (e) The Board of Agriculture shall adopt rules implementing the provisions of this
17 section including record-keeping requirements. The rules shall prescribe the methods by
18 which retail food establishments determine a recommended last day of sale consistent
19 with public health and safety. Calculation of the recommended last day of sale shall
20 include a reasonable period after purchase for consumption of the food."

21 Section 2. There is appropriated from the General Fund to the Department of
22 Agriculture and Consumer Services the sum of sixteen thousand six hundred forty-three
23 dollars (\$16,643) for the 2000-2001 fiscal year to fund one additional Meat and Poultry
24 Inspector I position in the Department. This appropriation is conditioned upon the
25 availability of federal matching funds for the position in the amount of sixteen thousand
26 six hundred forty-three dollars (\$16,643) for the 2000-2001 fiscal year.

27 Section 3. This act shall be considered a recent act of the General Assembly
28 for rule-making purposes and temporary rules shall be adopted by the Board of
29 Agriculture within 90 days of the effective date of this act.

30 Section 4. This act becomes effective July 1, 2000.