

SECOND REGULAR SESSION

# HOUSE BILL NO. 2440

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ZIMMERMAN.

5468L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 196.165, RSMo, and to enact in lieu thereof one new section relating to the sale of kosher food, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 196.165, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 196.165, to read as follows:

196.165. [Any hotel, inn, delicatessen, grocery or butcher shop, or restaurant keeper, or any individual, firm or corporation, carrying on and conducting a boardinghouse, eating house, lunchroom business, or engaged in the catering business (all hereinafter referred to as "person"), who shall with intent to defraud, sell, prepare or expose for sale, any meat or meat preparation, articles of food or food products, either raw or prepared for human consumption, whether the same is to be consumed on the premises where prepared and sold, or whether same is taken or carried elsewhere for consumption, falsely represents such food or food preparation to be kosher, that is, that same is prepared under and of products sanctioned by the orthodox Hebrew religious rules and requirements; or who shall falsely represent that such meat or meat preparation, food or food product is, or will be prepared and served in accordance with such orthodox Hebrew religious rules and requirements, by displaying a sign or signs, in, on, or about said person's place of business or establishment, or by advertisement in any newspaper, magazine, or periodical, or by publication in any other manner whatsoever, the intent and purpose whereof shall be to represent to the public by such advertisement, or any other manner whatsoever, that kosher meat or meat preparations, or food or food products are prepared and sold in such place of business or establishment, or served therein, or prepared or sold to be taken for consumption elsewhere than on said premises; or who prepares, sells, serves, or prepares for sale, either to be consumed

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 on the premises, or elsewhere, both kosher and nonkosher meat or meat preparations, or food or  
19 food products in the same place of business, who fails to keep separate kitchens and dining  
20 rooms, wherein meat or meat preparations, or food or food products are prepared and served; or  
21 who fails to keep and use separate and distinctly labeled or marked dishes and utensils wherein  
22 such meat or meat preparation of food or food product is prepared and served; or who shall fail  
23 to indicate on all signs and display advertising, in, on, or about said person's premises, in block  
24 letters, at least four inches in height, "kosher and nonkosher food prepared and sold here", as the  
25 case may be, or persons dealing in kosher meat or meat preparations, kosher food or food  
26 products only and persons dealing in both kosher and nonkosher meat or meat preparations,  
27 kosher and nonkosher food or food products who fail to adhere to and abide by orthodox Hebrew  
28 religious rules and requirements, shall be guilty of a misdemeanor, punishable by a fine of not  
29 less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment of not less  
30 than thirty days nor more than one year, or both. Possession of nonkosher meat or meat  
31 preparation, or food or food product in any place of business advertising the sale of kosher meat  
32 and food only, is prima facie evidence that the person in possession exposes the same for sale  
33 with intent to defraud in violation of the provisions of this section.] **1. Except as provided in**  
34 **subsections 2 and 3 of this section, all food and food products which are sold or offered for**  
35 **sale as "kosher" or "kosher for Passover" and which are packaged in a sealed container**  
36 **shall have a label or symbol affixed thereto by the manufacturer, packer, or certifier of**  
37 **such food or food products representing the person, agency, or entity that certified such**  
38 **product as kosher or kosher for Passover. No person or entity other than such**  
39 **manufacturer, packer, or certifier shall affix such labels or symbols.**

40 **2. All food or food products which are sold or offered for sale as kosher or kosher**  
41 **for Passover and which are not packaged in a sealed container, or are packaged in a sealed**  
42 **container and do not meet the requirements of subsection 1 of this section shall not be sold**  
43 **or offered for sale unless the seller displays a sign which is clearly readable from where the**  
44 **kosher product is being offered for sale and which includes all of the following:**

45 **(1) A description of each food item which is kosher or kosher for Passover;**

46 **(2) The identity of the person, agency, or entity that has certified each food item as**  
47 **kosher or kosher for Passover;**

48 **(3) Certification that all equipment used in the preparation, storing, and serving**  
49 **of each food or food product is kosher or kosher for Passover;**

50 **(4) The time period during which the kosher certification is in effect, which shall**  
51 **not exceed twelve months; and**

52 **(5) The designation of "dairy" or "D" for any product containing dairy**  
53 **ingredients.**

54           **3. Any person who sells or offers for sale in the same place of business both kosher**  
55 **certified and nonkosher certified poultry, meat, or meat preparations, either raw or**  
56 **prepared for human consumption, shall display signage clearly readable from where such**  
57 **products are being sold or offered for sale disclosing that both kosher and nonkosher meat**  
58 **or poultry are being sold, and clearly identifying which products are certified as kosher.**  
59 **This subsection shall not apply to the sale of poultry, poultry products, meats, or meat**  
60 **products sold solely in separate consumer packages which have been prepackaged and**  
61 **have a kosher certification label or symbol affixed as provided in subsection 1 of this**  
62 **section.**

63           **4. Any person who violates subsection 1, 2, or 3 of this section is guilty of a class B**  
64 **misdemeanor.**

65           **5. The presence of any poultry, poultry products, meats, meat products, or any**  
66 **prepared food that is not certified as kosher under subsection 1 or 2 of this section at an**  
67 **establishment which represents that it sells only food that is kosher is prima facie evidence**  
68 **that the person or establishment in possession of such food has offered such food for sale**  
69 **with intent to defraud in violation of this section.**

70           **6. Any person subject to the requirements of subsections 2 and 3 of this section**  
71 **shall not be deemed to have committed an unlawful practice if it can be shown by a**  
72 **preponderance of the evidence that the person justifiably relied in good faith upon the**  
73 **representations of a slaughterhouse, manufacturer, processor, packer, or distributor of any**  
74 **food represented to be kosher or kosher for Passover. Nothing in this subsection shall be**  
75 **construed as altering any person's recourses for unlawful conduct under Missouri law, nor**  
76 **shall any portion of this section be construed as limiting the legal rights of any person**  
77 **injured by the conduct of any slaughterhouse, manufacturer, processor, packer, or**  
78 **distributor.**

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