

HOUSE BILL 1079

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By: **Delegates Feldman, Ali, and Rosenberg**
Introduced and read first time: February 7, 2008
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Halal Food Products**

3 FOR the purpose of requiring certain persons, that represent to the public that any
4 unpackaged food that is sold or served is halal, to prominently and
5 conspicuously display on the premises a certain disclosure statement; requiring
6 the Division of Consumer Protection of the Office of the Attorney General to
7 develop and make available a form for certain disclosure statements; requiring
8 the disclosure statement to contain certain information; establishing certain
9 duties of a person that displays a certain disclosure statement; prohibiting the
10 sale, offer for sale, or display for sale of certain food unless certain signs with
11 certain words are displayed; prohibiting a person from falsely representing
12 certain food as halal; establishing a certain presumption; prohibiting certain
13 acts relating to the marking, stamping, tagging, branding, labeling, or other
14 means of identifying halal food products; providing that a violation of this Act is
15 an unfair or deceptive trade practice under the Maryland Consumer Protection
16 Act and is subject to certain enforcement and penalty provisions; defining
17 certain terms; and generally relating to halal food products.

18 BY adding to

19 Article – Commercial Law
20 Section 14–3601 through 14–3604 to be under the new subtitle “Subtitle 36.
21 Halal Food Products”
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2007 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Commercial Law**

27 **SUBTITLE 36. HALAL FOOD PRODUCTS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **14-3601.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "ADVERTISEMENT" HAS THE MEANING STATED IN § 13-101 OF THIS
5 ARTICLE.

6 (C) "DISCLOSURE STATEMENT" MEANS THE FORM PROVIDED BY THE
7 ATTORNEY GENERAL FOR THE PURPOSE OF DISCLOSING TO CONSUMERS
8 PRACTICES RELATING TO THE PREPARATION, HANDLING, AND SALE OF ANY
9 UNPACKAGED FOOD REPRESENTED TO BE HALAL.

10 (D) "DIVISION" MEANS THE DIVISION OF CONSUMER PROTECTION OF
11 THE OFFICE OF THE ATTORNEY GENERAL.

12 (E) (1) "FOOD" OR "FOOD PRODUCT" MEANS ANY FOOD, FOOD
13 PRODUCT, OR FOOD PREPARATION, WHETHER:

14 (I) RAW, SOLID, OR LIQUID; OR

15 (II) PREPARED FOR HUMAN CONSUMPTION.

16 (2) "FOOD" OR "FOOD PRODUCT" INCLUDES:

17 (I) ANY MEAT, MEAT PRODUCT, OR MEAT PREPARATION;
18 AND

19 (II) ANY POULTRY OR POULTRY PRODUCT.

20 (F) "HALAL" MEANS PREPARED OR PROCESSED IN ACCORDANCE WITH
21 ISLAMIC RELIGIOUS REQUIREMENTS.

22 (G) "MEAT" INCLUDES ANY MEAT PRODUCT OR MEAT PREPARATION.

23 (H) "PERSON" INCLUDES AN INDIVIDUAL, CORPORATION, BUSINESS
24 TRUST, ESTATE, TRUST, PARTNERSHIP, ASSOCIATION, TWO OR MORE PERSONS
25 HAVING A JOINT OR COMMON INTEREST, OR ANY OTHER LEGAL OR
26 COMMERCIAL ENTITY.

27 (I) (1) "REPRESENTS TO THE PUBLIC" MEANS ANY DIRECT OR
28 INDIRECT STATEMENT, ORAL OR WRITTEN, AND ANY LETTER, WORD, SIGN,
29 EMBLEM, INSIGNIA, OR MARK WHICH COULD REASONABLY LEAD A CONSUMER

1 TO BELIEVE THAT A REPRESENTATION IS BEING MADE THAT THE FINAL FOOD
2 PRODUCT SOLD TO THE CONSUMER IS HALAL.

3 (2) "REPRESENTS TO THE PUBLIC" INCLUDES AN
4 ADVERTISEMENT.

5 14-3602.

6 (A) (1) A PERSON THAT REPRESENTS TO THE PUBLIC THAT ANY
7 UNPACKAGED FOOD THAT IS SOLD OR SERVED IS HALAL SHALL PROMINENTLY
8 AND CONSPICUOUSLY DISPLAY ON THE PREMISES ON WHICH THE FOOD IS SOLD
9 OR SERVED A COMPLETE DISCLOSURE STATEMENT.

10 (2) THE DIVISION SHALL:

11 (I) DEVELOP A FORM FOR DISCLOSURE STATEMENTS; AND

12 (II) MAKE THE FORM AVAILABLE TO ANY PERSON ON
13 REQUEST.

14 (3) THE DISCLOSURE STATEMENT SHALL:

15 (I) BE UNDERSTANDABLE AND WRITTEN IN SIMPLE AND
16 READABLE PLAIN LANGUAGE;

17 (II) DISCLOSE TO THE PUBLIC THE BASIS FOR A
18 REPRESENTATION THAT ANY UNPACKAGED FOOD SOLD OR SERVED IS HALAL,
19 INCLUDING A SPECIFICATION OF PRACTICES RELATING TO THE PREPARATION,
20 HANDLING, AND SALE OF THE FOOD; AND

21 (III) CONTAIN ANY ADDITIONAL INFORMATION OR CONFORM
22 TO ANY ADDITIONAL REQUIREMENTS THAT THE DIVISION CONSIDERS
23 REASONABLE AND NECESSARY TO CARRY OUT THE PROVISIONS OF THIS
24 SUBTITLE.

25 (4) A PERSON THAT DISPLAYS A DISCLOSURE STATEMENT IN
26 ACCORDANCE WITH THIS SECTION SHALL:

27 (I) RETAIN A COPY OF THE DISCLOSURE STATEMENT, AND
28 ANY AMENDMENT TO THE DISCLOSURE STATEMENT, FOR AT LEAST 3 YEARS
29 FROM THE DATE ON WHICH THE PERSON NO LONGER REPRESENTS TO THE
30 PUBLIC THAT ANY UNPACKAGED FOOD THAT IS SOLD OR SERVED ON THE
31 PREMISES IS HALAL; AND

1 **(II) PROVIDE A COPY OF THE DISCLOSURE STATEMENT TO**
2 **THE DIVISION WITHIN 2 BUSINESS DAYS AFTER THE PERSON'S RECEIPT OF A**
3 **REQUEST FROM THE DIVISION FOR A COPY OF THE DISCLOSURE STATEMENT.**

4 **(5) A PERSON SHALL CONFORM ITS PRACTICES WITH RESPECT TO**
5 **THE SALE OR SERVING OF UNPACKAGED FOOD THAT IS REPRESENTED TO THE**
6 **PUBLIC AS HALAL TO THE STANDARD DISPLAYED IN THE DISCLOSURE**
7 **STATEMENT.**

8 **(B) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY FOOD**
9 **REPRESENTED TO THE PUBLIC AS HALAL, WHETHER FOR CONSUMPTION IN THE**
10 **PERSON'S PLACE OF BUSINESS OR ELSEWHERE, IF, IN THE SAME PLACE OF**
11 **BUSINESS, THE PERSON ALSO OFFERS FOR SALE ANY FOOD, NOT REPRESENTED**
12 **TO THE PUBLIC AS HALAL, UNLESS THE PERSON INCLUDES ON EACH WINDOW**
13 **SIGN AND DISPLAY ADVERTISEMENT IN BLOCK LETTERS AT LEAST 4 INCHES**
14 **HIGH THE WORDS "HALAL AND NONHALAL FOOD SOLD HERE" OR, AS TO THE**
15 **SALE OF MEAT ALONE, "HALAL AND NONHALAL MEAT SOLD HERE".**

16 **(C) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY FOOD PRODUCT,**
17 **WHETHER FOR CONSUMPTION IN THE PERSON'S PLACE OF BUSINESS OR**
18 **ELSEWHERE, AND FALSELY REPRESENT IT TO THE PUBLIC AS HALAL.**

19 **(D) A PERSON MAY NOT FALSELY REPRESENT, WITH INTENT TO**
20 **DEFRAUD, ANY FOOD PRODUCT OR THE CONTENTS OF ANY PACKAGE OR**
21 **CONTAINER TO BE HALAL, BY HAVING OR PERMITTING TO BE INSCRIBED ON THE**
22 **PACKAGE OR CONTAINER THE WORD "HALAL" IN ENGLISH.**

23 **(E) A PERSON MAY NOT DISPLAY FOR SALE, WITH INTENT TO DEFRAUD,**
24 **ANY FOOD REPRESENTED TO THE PUBLIC AS HALAL, WHETHER FOR**
25 **CONSUMPTION IN THE PERSON'S PLACE OF BUSINESS OR ELSEWHERE, IF, IN**
26 **THE SAME SHOW WINDOW OR OTHER LOCATION ON OR IN THE PLACE OF**
27 **BUSINESS, THE PERSON ALSO DISPLAYS ANY FOOD NOT REPRESENTED TO THE**
28 **PUBLIC AS HALAL, UNLESS THE PERSON DISPLAYS OVER THE HALAL AND**
29 **NONHALAL FOOD SIGNS THAT READ, IN BLOCK LETTERS AT LEAST 4 INCHES**
30 **HIGH, "HALAL FOOD" AND "NONHALAL FOOD", RESPECTIVELY, OR, AS TO THE**
31 **DISPLAY OF MEAT ALONE, "HALAL MEAT" AND "NONHALAL MEAT",**
32 **RESPECTIVELY.**

33 **(F) (1) IN THIS SUBSECTION, "ARABIC CHARACTER" MEANS:**

34 **(I) ANY ARABIC WORD OR LETTER; OR**

35 **(II) ANY SYMBOL, EMBLEM, SIGN, INSIGNIA, OR OTHER**
36 **MARK THAT SIMULATES AN ARABIC WORD OR LETTER.**

1 (2) IN CONNECTION WITH ANY PLACE OF BUSINESS THAT SELLS
2 OR OFFERS FOR SALE ANY FOOD, A PERSON MAY NOT DISPLAY, WHETHER IN A
3 WINDOW, DOOR, OR OTHER LOCATION ON OR IN THE PLACE OF BUSINESS, IN
4 ANY HANDBILL OR OTHER PRINTED MATTER DISTRIBUTED IN OR OUTSIDE OF
5 THE PLACE OF BUSINESS, OR OTHERWISE IN ANY ADVERTISEMENT, ANY ARABIC
6 CHARACTERS, OR ANY OTHER REPRESENTATION TO THE PUBLIC THAT THE
7 PLACE OF BUSINESS SELLS OR OFFERS FOR SALE HALAL FOOD OR MEAT,
8 UNLESS THE PERSON ALSO DISPLAYS IN CONJUNCTION WITH THE ARABIC
9 CHARACTERS OR OTHER REPRESENTATION, IN ENGLISH, LETTERS OF AT LEAST
10 THE SAME SIZE AS THE ARABIC CHARACTERS, THE WORDS “WE SELL HALAL
11 MEAT AND FOOD ONLY”, “WE SELL NONHALAL MEAT AND FOOD ONLY”, OR “WE
12 SELL BOTH HALAL AND NONHALAL MEAT AND FOOD”, AS APPROPRIATE.

13 (G) POSSESSION OF NONHALAL FOOD IN ANY PLACE OF BUSINESS
14 ADVERTISING THE SALE OF HALAL FOOD ONLY IS PRESUMPTIVE EVIDENCE
15 THAT THE PERSON IN POSSESSION OFFERS THE NONHALAL FOOD FOR SALE
16 WITH INTENT TO DEFRAUD.

17 **14-3603.**

18 **A PERSON MAY NOT:**

19 (1) WILLFULLY MARK, STAMP, TAG, BRAND, LABEL, OR IN ANY
20 OTHER WAY OR BY ANY OTHER MEANS OF IDENTIFICATION REPRESENT, OR
21 CAUSE TO BE MARKED, STAMPED, TAGGED, BRANDED, LABELED, OR
22 REPRESENTED, AS HALAL A FOOD PRODUCT THAT IS NOT HALAL;

23 (2) WILLFULLY REMOVE, DEFACE, OBLITERATE, COVER, ALTER,
24 OR DESTROY, OR CAUSE TO BE REMOVED, DEFACED, OBLITERATED, COVERED,
25 ALTERED, OR DESTROYED, THE ORIGINAL SLAUGHTERHOUSE PLUMBA OR ANY
26 OTHER MARK, STAMP, TAG, BRAND, LABEL, OR ANY OTHER MEANS OF
27 IDENTIFICATION AFFIXED TO FOOD PRODUCTS TO INDICATE THAT THOSE FOOD
28 PRODUCTS ARE HALAL; OR

29 (3) KNOWINGLY SELL, DISPOSE OF, OR HAVE IN THE PERSON’S
30 POSSESSION, FOR THE PURPOSE OF RESALE TO ANOTHER PERSON AS HALAL:

31 (I) ANY FOOD PRODUCT NOT HAVING AFFIXED TO THE
32 FOOD PRODUCT THE ORIGINAL SLAUGHTERHOUSE PLUMBA OR ANY OTHER
33 MARK, STAMP, TAG, BRAND, LABEL, OR OTHER MEANS OF IDENTIFICATION
34 EMPLOYED TO INDICATE THAT THE FOOD PRODUCT IS HALAL; OR

1 (II) ANY FOOD PRODUCT TO WHICH THE SLAUGHTERHOUSE
2 PLUMBA, MARK, STAMP, TAG, BRAND, LABEL, OR OTHER MEANS OF
3 IDENTIFICATION HAS BEEN FRAUDULENTLY AFFIXED.

4 **14-3604.**

5 **A VIOLATION OF THIS SUBTITLE IS:**

6 (1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE
7 MEANING OF TITLE 13 OF THIS ARTICLE; AND

8 (2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS
9 CONTAINED IN TITLE 13 OF THIS ARTICLE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2008.