

SECOND REGULAR SESSION

# HOUSE BILL NO. 1830

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

5279H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to false disparagement of perishable food products.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.530, to read as follows:

**537.530. 1. For purposes of this section, the term "perishable food product" shall mean a food product of agriculture or aquaculture that is sold or distributed in a form that will perish or decay beyond marketability within a limited period of time.**

**2. A person shall be liable as provided under subsection 3 of this section if:**

**(1) The person disseminates in any manner information relating to a perishable food product to the public;**

**(2) The person knows the information is false; and**

**(3) The information states or implies that the perishable food product is not safe for consumption by the public.**

**3. A person who is liable under subsection 2 of this section is liable to the producer of the perishable food product for damages and any other appropriate relief arising from the person's dissemination of the information.**

**4. In determining if information is false, the trier of fact shall consider whether the information was based on reasonable and reliable scientific inquiry, facts, or data.**

**5. A person shall not be liable under this section for marketing or labeling any agricultural product in a manner that indicates that the product:**

**(1) Was grown or produced by using or not using a chemical or drug;**

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           **(2) Was organically grown; or**
- 19           **(3) Was grown without the use of any synthetic additive.**

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