

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1830

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

5279H.01P

D. ADAM CRUMBLISS, ChiefClerk

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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  
2 known as section 537.530, to read as follows:

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

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

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

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

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

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

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

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.

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

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

18           **(2) Was organically grown; or**

19           **(3) Was grown without the use of any synthetic additive.**

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