

HOUSE BILL No. 5129

October 2, 1989, Introduced by Reps. Bennett and Profit and referred to the Committee on Agriculture.

A bill to require the labeling of fruits and vegetables sold, offered for sale, or otherwise distributed for consumption in this state; to provide for the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Department" means the department of agriculture.

3 (b) "Labeled" means a display of written, printed, or
4 graphic material upon a fruit or vegetable or upon the immediate
5 container of the fruit or vegetable.

6 (c) "Person" means an individual, partnership, corporation,
7 association, the state, or any other public or private entity.

1 (d) "Pest" means that term as defined in section 6 of the
2 pesticide control act, Act No. 171 of the Public Acts of 1976,
3 being section 286.556 of the Michigan Compiled Laws.

4 (e) "Pesticide" means a substance or mixture of substances
5 intended for preventing, destroying, repelling, or mitigating
6 pests, or intended for use as a plant regulator, defoliant, or
7 desiccant.

8 (f) "Plant regulator" means a substance or mixture of sub-
9 stances, intended through physiological action, for accelerating
10 or retarding the rate of growth or rate of maturation, or for
11 otherwise altering the behavior of plants or the produce of
12 plants, but shall not include substances to the extent that they
13 are intended as plant nutrients, trace elements, nutritional
14 chemicals, plant inoculants, and soil amendments.

15 Sec. 2. (1) All fruits and vegetables sold, offered for
16 sale, or distributed for consumption in this state shall be
17 labeled in a manner approved by the department indicating the
18 type of pesticides and other chemical substances used in the pro-
19 duction of the fruits and vegetables.

20 (2) The department shall promulgate rules pursuant to the
21 administrative procedures act of 1969, Act No. 306 of the Public
22 Acts of 1969, being sections 24.201 to 24.328 of the Michigan
23 Compiled Laws, listing chemical substances other than pesticides
24 that shall be included on labels required under this act. In
25 determining which chemical substances to require on a label, the
26 department shall include those substances that have an adverse
27 impact on human health.

1 Sec. 3. (1) A person who violates this act is responsible
2 to the state for a civil fine of not less than \$5,000.00 per
3 violation.

4 (2) Fruits and vegetables that are sold, offered for sale,
5 or distributed for consumption in this state that are not labeled
6 as required by this act and rules promulgated under this act are
7 subject to confiscation and destruction by the department of
8 agriculture.

9 (3) A default in the payment of a civil fine or costs
10 ordered under this act or an installment of the fine or costs may
11 be remedied by any means authorized under the revised judicature
12 act of 1961, Act No. 236 of the Public Acts of 1961, being sec-
13 tions 600.101 to 600.9947 of the Michigan Compiled Laws.