

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 18, 1998 Revised: 4/14/98 _____

Subject: Repackaged Raw Meat, Fish and Poultry

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Luken</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/1 amendment</u>
2.	<u>_____</u>	<u>_____</u>	<u>GO</u>	<u>_____</u>
3.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
4.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
5.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

I. Summary:

This bill prohibits the sale, delivery for sale or offering for sale of any repackaged raw meat, fish, or poultry that does not indicate the date that was on the package when it was originally offered for retail sale. This bill also provides a penalty for violation of this provision.

This bill substantially amends section 500.04, and reenacts section 500.177, Florida Statutes.

II. Present Situation:

Section 500.04, F.S., lists prohibited acts in the context of the sale of food and provides penalties for violations. This section currently prohibits the alteration or removal of food labels if that action results in the misbranding of the food for sale, and the alteration or removal of labeling information identifying the article's expiration or similar date.

According to information provided by the Department of Agriculture and Consumer Services, to assure quality control of the meat being sold, management in some retail stores place "use by" or "sell by" dates on packages of raw meat, fish and poultry. This practice is not required by law and is done voluntarily by retailers.

Currently raw meat, fish and poultry that are rewrapped or repackaged is not required to have the original package date stated on the packaging label. Generally repackaging occurs to remedy aesthetic problems and to inspect for signs of spoilage. If the quality or wholesomeness of the product is not compromised, the retailer repacks or rewraps meat products for sale to the consumer. The quality of meat, fish or poultry is not impacted by repackaging or rewrapping, but rather by substantial fluctuations in temperature, and department regulations require proper refrigeration at all times.

III. Effect of Proposed Changes:

Section 1. Adds an additional subsection to s. 500.04, F.S., expanding the reach of the current prohibited labeling acts by prohibiting the delivery, offering for sale, or the sale of raw meat, fish, or poultry that has been repackaged or rewrapped and does not display the original date that appeared on the package when first offered for retail sale.

Section 2. Reenacts s. 500.177, F.S., which provides penalties for violation of s. 500.04, F.S., to incorporate the amendment to s. 500.04, F.S. Violation of s. 500.04, F.S., is a second degree misdemeanor, punishable by up to 60 days imprisonment or a fine of up to \$500. If a person violates the statute and is convicted, and then violates it again, the person is guilty of a first degree misdemeanor, punishable by up to a year imprisonment or a fine of up to \$1000.

Section 3. Provides an effective date of October 1 of the year of enactment.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

There are situations when it is legitimate and safe for a food outlet to repackaging or rewrap products, as the original control dates used on packages of meat, fish, or poultry often do not designate a time when the product is no longer suitable for sale and use. If a vendor determines it is appropriate to continue to offer the product for sale but rewraps the item, the use of the initial date may lead to some level of consumer avoidance. As a result, products which are both safe and wholesome may have to be discarded, resulting in food being wasted.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services has estimated the additional costs of implementing this program as follows:

**FISCAL IMPACT ON
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

	Amount Year 1 FY 98-99	Amount Year 2 FY 99-00	Amount Year 3 FY 00-01
First Year Start-Up Costs	12,300	-0-	-0-
Recurring Costs	87,778	90,008	92,305
Total Costs	<u>\$100,078</u>	<u>\$90,008</u>	<u>\$92,305</u>

The department anticipates that this program would require additional time during the inspection process to determine that the rewrapping or repackaging is done in such a manner that it retains the required date information. The department also anticipates additional consumer complaints, requiring the allocation of additional time and travel for follow-up inspections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Agriculture:

Substitutes “fresh meat” for “raw meat” when delineating the types of products covered by this subsection. Prohibits the sale of rewrapped or repackaged products that do not display the “sell by” date that appeared on the package when first offered for retail sale, eliminating the prohibition on the sale of products where the label did not display the “use by” date or the “quality state/ inventory control or similar date” that appeared first on the package.