

Food Safety Legislation 2018

State legislatures introduced 756 bills related to food in 2018—from mobile vendors to labeling to edible cannabis—with 170 laws enacted and 18 resolutions adopted.

The foremost issue addressed regarded food donations (72 bills), followed by food service in schools (57 bills) and restaurants (57 bills). Forty-five milk and raw milk bills were introduced in legislatures in 19 states, 21 states saw 48 bills on cottage foods and five states heard 18 bills involving GMOs.

Several state legislatures looked at nutrition, either studying food deserts, addressing obesity or ensuring vulnerable communities had access to healthy foods, for a total of 59 bills. Thirty-five bills regarding taxes on sugary foods were seen in 11 states.

Concerns regarding the Food Safety Modernization Act (FSMA) led to 36 bills in 15 states. Twenty-seven bills focused on the inspection of foods or the produce safety rule, of which 12 were enacted. Farmers' markets and mobile food vendors each spurred 16 bills, with legislatures enacting seven bills on farmers' markets, and six on mobile food trucks.

Fourteen states looked at edible cannabis, with most defining the scope of the term (35 bills). Seven of these bills were enacted in four states. Forty-six bills on labeling other than cannabis were introduced, with eight enacted in five states.

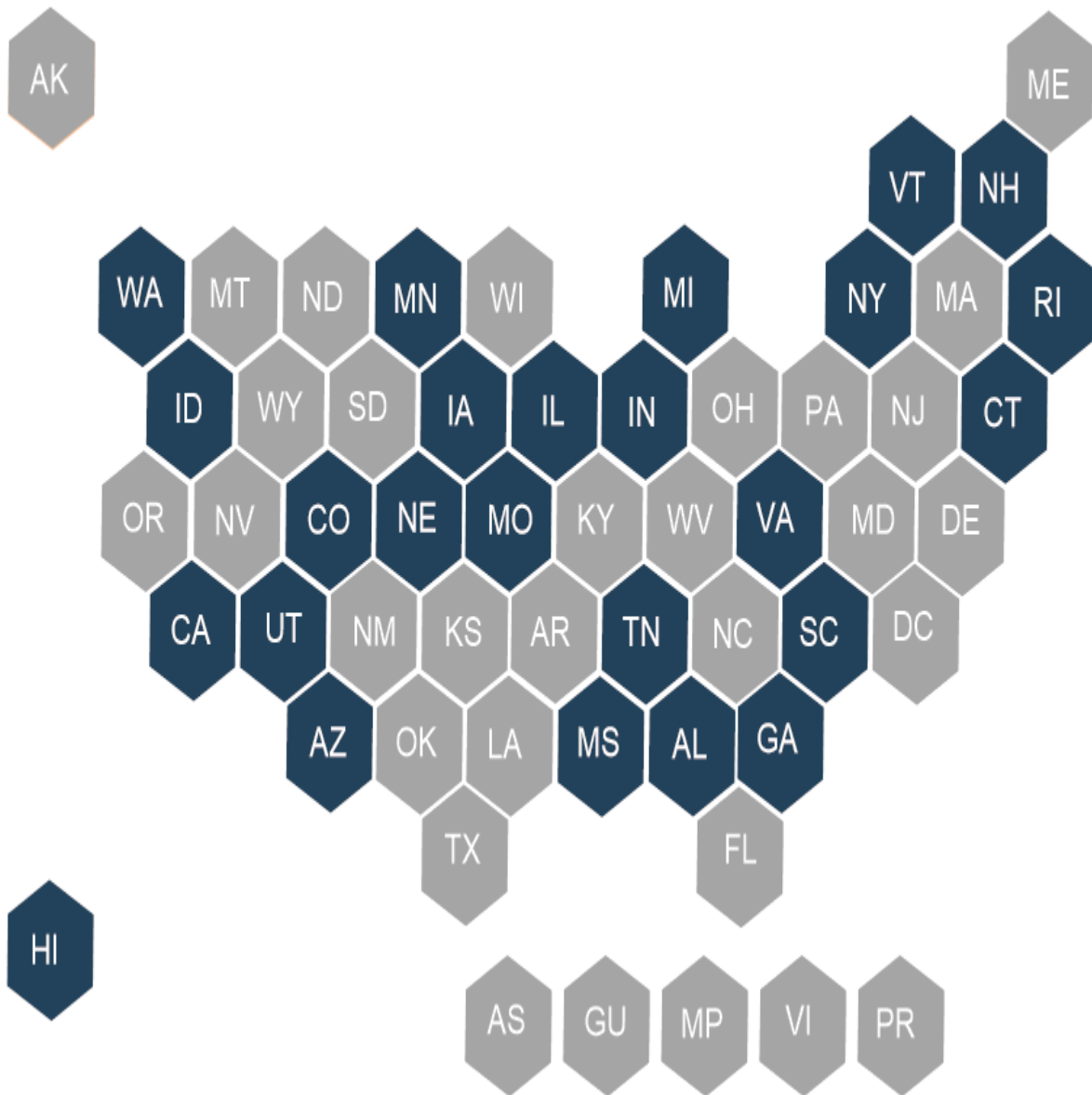
The variety of topic areas and the number of bills reflect states' primacy when it comes to food safety. States have primary authority over food safety unless the federal government enacts laws or regulations that supersede state food safety laws. The federal government regulates food sold across state lines, but food sold within a state remains under that state's authority.

This provides states the ability to decide the food safety rules for food sold within the state. The states can determine when and where food may be sold, the type (or lack thereof) of safety requirements for particular foods, and who may sell the food. Can non-hazardous baked goods be sold without state oversight? Can food be donated to food banks? How should mobile food trucks be regulated? What food products should be labeled? Should food deserts be addressed? Most of the critical concerns regarding food are regulated by the states.

Even though states have primary authority, the federal government does provide guidance on food safety through the [U.S. Food and Drug Administration's Model Food Code](#). The code, followed to some extent by every state, [provides similarity among state codes](#), and recommends safety precautions for food establishments in preparing, serving and selling food and beverages. By adopting the code, states can ensure they are adopting the latest in food safety knowledge and science.

But the states themselves must adopt and enforce the provisions of the food code; the federal government cannot mandate that states regulate food safety. Food safety in this country, for the most part, is governed by the states.

U.S. States with Enacted Food Safety Legislation 2018



State Food Safety Legislation

During the 2017-2018 legislative sessions, 40 bills regarding food safety in general—meaning legislation related to the Food Safety Modernization Act (FSMA), amending state food safety requirements, or providing direction for food safety officials—were enacted in 23 states.

Alabama enacted the Sadie Grace Andrews Act ([SB 258](#)), which requires commercial food service establishments to secure grease trap covers to prevent accidental access.

Arizona established a citrus, fruit and vegetable division in its Department of Agriculture to develop rules and enforce standards for produce safety required by the federal government under FSMA ([SB 1063](#)).

California enacted several bills related to food safety. The CalFresh Emergency Food Provider referrals creates a program for CalFresh recipients to get information on emergency food providers and supplemental food assistance programs ([AB 323](#)). [AB 564](#) provides the secretary of the Department of Food and Agriculture the authority to enforce and inspect raw unprocessed fruits, nuts and vegetables for quality or grade. [AB 2524](#) amends the Retail Food Code to include catering operations, and [SB 1335](#) enacts the Sustainable Packaging Act which prohibits a state-owned food service facility to dispense prepared food in non-sustainable packaging.

Colorado's [HB 1236](#) extends the timeline for the Food Systems Advisory Council to September 2023.

Connecticut's [HB 5163](#) determines that the state food code does not apply to residential care homes.

Georgia's [HB 176](#) authorizes the Department of Agriculture to enter into agreements with the federal government regarding FSMA.

The **Hawaiian** legislature enacted a law to provide grants to farmers and ranchers to meet the costs, including audit costs, of complying with the federal FSMA and FDA regulations ([HB 453](#)). [HB 2306](#) revises the Food Safety Certification Grant Program and eliminates certain funds related to the grant program.

In **Iowa**, [SB 2390](#) specifies food establishments exempted from the state's food code, mostly ones that sell foods that do not require time or temperature controls.

Idaho's [HB 537](#) delegates the food safety requirements under FSMA to the Department of Agriculture and provides for rulemaking authority to implement the federal act.

Illinois enacted the most legislation regarding food safety. [SB 1697](#) allows an employer to require an employee to follow food sanitation requirements even if the practice violates his or her religion. [HB 2510](#) requires restaurant managers to obtain training in allergen awareness principles. [HB 3684](#) provides that any individual who has completed specified training requirements accredited by the Conference for Food Protection shall be considered a certified food service sanitation manager or a certified food service sanitation manager instructor. [HB 5011](#) maintains that a food service sanitation manager certificate remains valid until the expiration date on the certificate. [HB 3855](#) establishes the Produce Safety Trust Fund to provide funds for produce safety and enforcement.

Indiana's [SB 331](#) amends the state food code to comply with FSMA, adding a chapter entitled Produce Farm Food Safety to implement federal food produce safety requirements to the extent that federal funds are available. [SB 105](#) provides that the state veterinarian may certify that certain animals and animal products meet specifications of a buyer or international import standards for the purposes of shipment.

Michigan enacted [HB 4811](#), which codifies the licensure and regulation of persons engaged in the processing, production, packaging, storing, selling and serving food or drink for human consumption. This law updates the Michigan Food Law to align with federal food processing requirements under FSMA.

Minnesota's [SB 3326](#) requires any person conducting food product sampling or food product demonstrations to meet the same food safety and equipment standards that are required of a special event food stand.

Mississippi's [SB 2924](#) authorizes the Department of Agriculture and Commerce to enter into an agreement with the federal Food and Drug Administration to enforce the produce safety provisions of FSMA.

The **Nebraska** legislature amended its Pure Food Act by inserting express authority for the state to enter regulated business premises for the purpose of inspection, to hold food for inspection and determination regarding compliance with the Pure Food Act, to inspect food transported through the state and requirements to obtain an inspection warrant ([L 134](#)).

New Hampshire enacted two bills related to food safety. [SB 221](#) grants the Department of Health and Human Services the authority to inspect and sample food manufacturing processes. [SB 491](#) requires the Department of Agriculture, Markets and Food to enforce FSMA within the state. The bill transfers responsibility for produce safety from the health department to the agriculture department.

New York's [AB 823](#) provides regulatory relief to small food processors, defining such processors and lowering licensing fees.

Rhode Island enacted three bills related to food safety. [HB 6345/SB 720](#) authorizes the Department of Environmental Management to enforce FSMA and the federal produce safety rule. [SB 919](#) requests Congress delay the implementation of FSMA to provide time for small farmers to come into compliance.

In **South Carolina**, the legislature enacted [HB 4003, the Produce Safety Act](#), which addresses the produce safety rule of FSMA. This law establishes the authority of the Department of Agriculture to enforce food safety standards applicable to farm produce, including the authority to inspect certain farms, seize, condemn and destroy covered produce, obtain a court order for forfeiture and destruction of covered produce.

Tennessee's [HB 1807](#) authorizes the Department of Agriculture to cooperate with the federal Food and Drug Administration regarding FSMA's produce safety rule.

Vermont's [HB 904](#) grants the secretary of Agriculture, Food and Markets enforcement authority to implement FSMA's Produce Safety rule.

The **Virginia** legislature enacted a law allowing dogs in food premises, but not at food manufacturing facilities ([HB 286](#)).

Washington's [SB 6318](#) provides for uniformity with federal law, governmental transparency and regulatory fairness; [SB 6319](#) implements the federal Produce Safety rule.

Cottage Foods and Food Freedom

The growing demand for locally produced or small-scale food products has led state legislatures to enact laws that limit or eliminate regulatory oversight of these products. Foods that are produced outside of a regulated commercial food establishment are commonly known as "cottage foods."

As the name implies, these foods are made in small, kitchen-based operations with locally grown produce designed for sale at farmers' markets, roadside stands or small food operations. Cottage food laws provide regulatory relief to these operations, allowing vendors to sell their products absent food safety requirements required for commercial food kitchens.

Since the federal government has limited oversight regarding state food laws, it rarely preempts state efforts. The FDA Model Food Code does reference low-risk foods being safely prepared in homes and

sold to the public at farmers' markets or charity events. But the code affirms that potentially hazardous foods should be subject to regulatory oversight.

Cottage food efforts began during the last recession to promote local entrepreneurship, support local agriculture and allow for new food products to enter the market. Legislatures provided relief from food safety requirements, which in turn spurred investments in small-scale food production. Since 2008, [cottage food sales have grown](#) from \$5 billion annually to an anticipated \$20 billion in 2019.

Each state has taken a different approach to cottage foods, but, in general, each law provides:

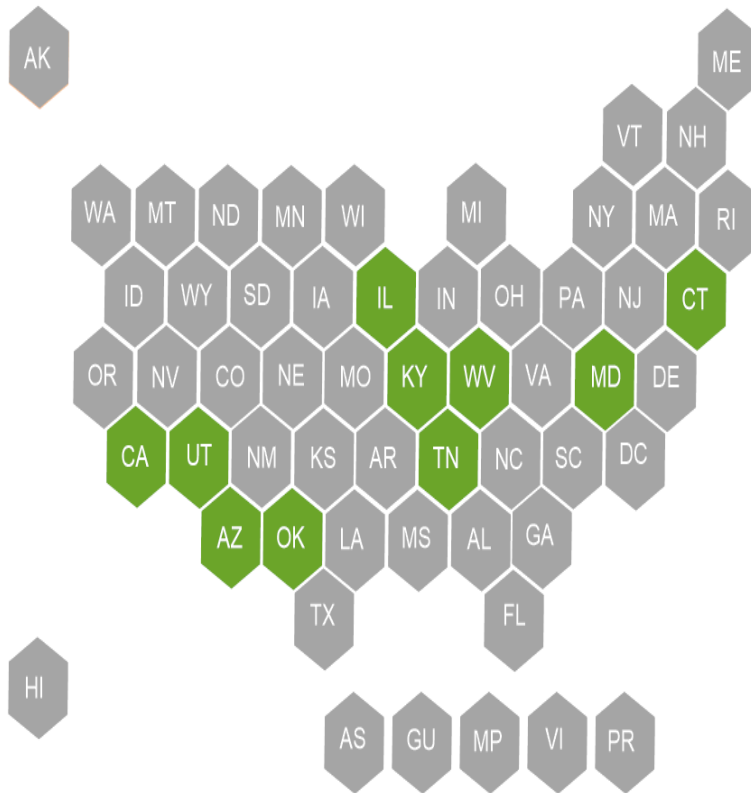
- Exemptions from licensing for small food producers that sell directly to consumers.
- Labeling requirements stating the product has not been inspected.
- Rules for handling potentially hazardous foods, such as those that need a certain cooking time or temperature to ensure safety.
- Training courses for people who prepare foods.

To date, every state, Puerto Rico and the District of Columbia have enacted cottage food laws that exempt small-scale food production from regulatory oversight, with the exception of New Jersey (which currently has five cottage food bills pending in the 2018-19 legislative session).

In 21 states, legislation was introduced in the 2018 sessions to expand or define the scope of cottage food operations. Allowing for larger operations to be eligible for cottage food protections, permitting hazardous food products, and altering rules on food handling all were reviewed by state legislatures.

During the [2017-2018 legislative sessions](#), 48 bills related to cottage foods were introduced, with 12 enacted in 10 states.

U.S. States with Cottage Foods Legislation 2018



Arizona enacted [SB 1022](#) which defines baked and confectionary goods as non-hazardous and exempt from state food safety regulations.

California's [AB 626](#) exempts “microenterprise home kitchens” from the retail food code, meaning food facilities in private homes with less than one employee and no more than \$50,000 in gross sales.

Connecticut's [HB 5321](#) requires cottage food operations to be licensed by the commissioner of Consumer Protection.

Illinois' [HB 3063](#) clarifies the non-hazardous food exemption of its cottage food law, specifying which foods must be produced in certified food establishments versus which foods may be produced under the state's cottage food law. [SB 2057](#) states that no health department may regulate the preparation or serving of food in a private residential leasehold. It also requires food prepared under this law be labeled with “this product was produced in a home kitchen not subject to public health inspection that may also process common food allergens.”

In **Kentucky**, [HB 263](#) limits sales of home-based foods to consumers within the state and changes the list of food products that may be offered by a home-based microprocessor.

Maine

Maryland's [HB 1106](#) redefines “cottage food products” to mean nonhazardous foods sold directly to a consumer in the state.

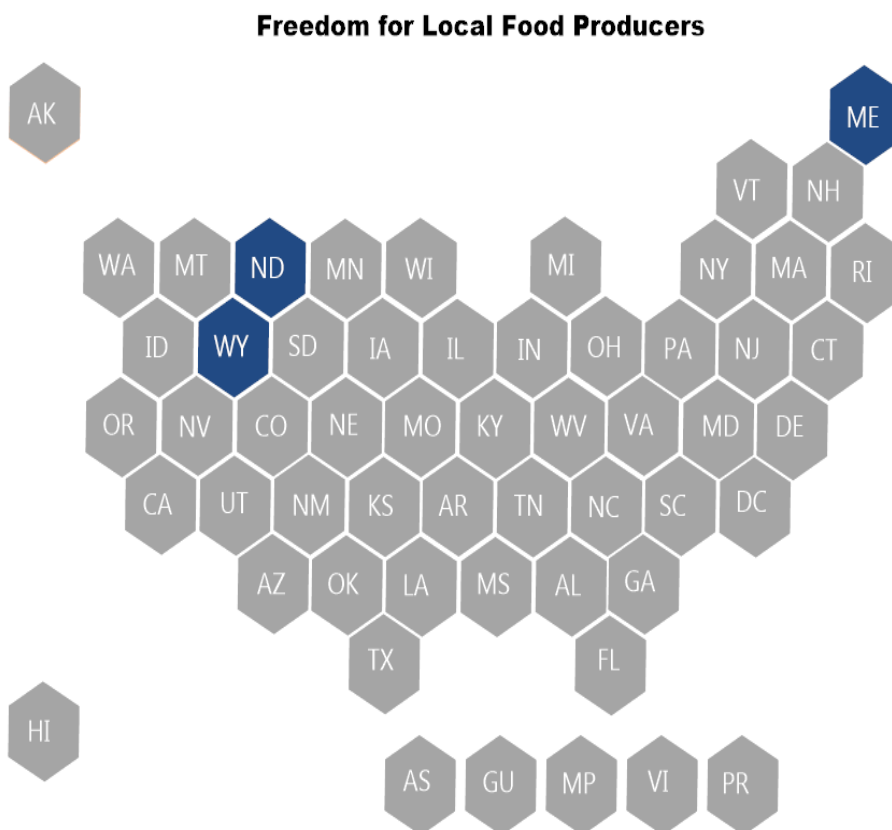
Oklahoma's [SB 508](#) allows for the sale of cottage foods at farmers' markets and cooperatives, and through membership-based buying clubs or for delivery.

The legislature in **Tennessee** enacted two laws related to cottage foods. [SB 651](#) permits the sale of food products by the farmer directly to consumers without a license. [SB 1187](#) determines that a producer does not need a license if the food product is sold directly to consumers within the state and the producer hires no employees. The food must be non-hazardous and labeled.

Utah enacted the Home Consumption and Homemade Food Act ([HB 181](#)), exempting home-based food producers from regulations regarding the preparation, serving, use, consumption, or storage of food products that are sold directly to informed consumers within the state.

West Virginia's [SB 375](#), provides legislature for the cottage food industry by preempting local health departments from the farmers' market permit process. This law transfers rules and regulations for farmers' markets, cottage foods, acidified foods, non-potentially hazardous foods, and exempted foods from Department of Health and Human Resources to the Department of Agriculture.

Freedom for Local Food Producers from State Inspections



Food freedom means freedom from state regulatory oversight. State legislatures are beginning to enact laws exempting food producers from state food safety regulations by passing food freedom or expanding cottage food laws. Food freedom seeks to allow individuals to produce and sell foods without the burden of permits, inspections or licensing requirements.

Wyoming enacted the nation's first food freedom law ([HB 56](#)) in 2015, exempting homemade foods (produced in a private kitchen) from state food safety requirements. In 2017, the **North Dakota**

legislature enacted its own Food Freedom Act and the **Maine** legislature enacted legislation allowing local jurisdictions to opt out of state food safety requirements (aka food sovereignty).

The [Wyoming Food Freedom Act](#) of 2015 exempted many homemade foods (with the exception of some animal products) from licensing, permitting, certification, packaging or labeling regulations, allowing the product be sold directly from producers to “informed” consumers.

The legislature amended the Food Freedom Act ([HB 129](#)) in 2017 to include poultry, rabbit, fish and live animals before slaughter; to clarify which homemade products were specifically exempt from state licensure, inspection and labeling; and to permit state agencies to provide assistance, consultation and inspection services upon request. The law does not distinguish between hazardous and non-hazardous foods, nor does the food product need labeling. A second bill, [SB 118](#), allows for commercial sellers to sell both inspected and uninspected foods as long as the retail space is physically separated.

North Dakota enacted a Food Freedom Act in 2017 ([HB 1433](#)) similar to the Wyoming law. It allows for producers of food without a license to sell directly to consumers. While the act doesn’t allow for the sale of most meats and raw dairy products, producers may to sell up to 1,000 head of poultry of their own raising, annually. Foods that require refrigeration, such as baked goods containing cream, custard, meringue, cheesecake, pumpkin pie and cream cheese, must be labeled with “[t]his product is made in a home kitchen that is not inspected by the state or local health department.”

Maine’s food sovereignty bill ([SB 242](#)), An Act to Recognize Local Control Regarding Food Systems, allows for local governments to adopt food sovereignty laws that exempt food producers from state licensing and inspections of food produced, sold and consumed locally. This exemption would only apply to food produced and sold directly to consumers within the municipality; any food produced in the municipality “intended for wholesale or retail distribution” outside its borders “must be grown, produced or processed in compliance with all applicable state and federal laws, rules and regulations.” SB 242 marks the first time that a state has given regulatory control to municipal governments over food produced and sold locally.

Because this bill would exempt sales of meat from oversight, the U.S. Department of Agriculture (USDA) [threatened to remove the state’s authority to inspect meat](#). The legislature followed up with [SB 605](#), which requires compliance with state and federal food safety laws, but allows locals to grant food producers wide latitude regarding food safety.

Former Maine Governor Paul LePage (R) vetoed a similar food freedom bill, stating that the law presents “an illusion that there is no need for food safety training and inspections ... Eliminating responsibility for food safety without any requirement for standards equal to known safety tolerance is dangerous to consumers, a risky burden to towns and potentially devastating to food producers who sell hazardous food.”

Donation of Food

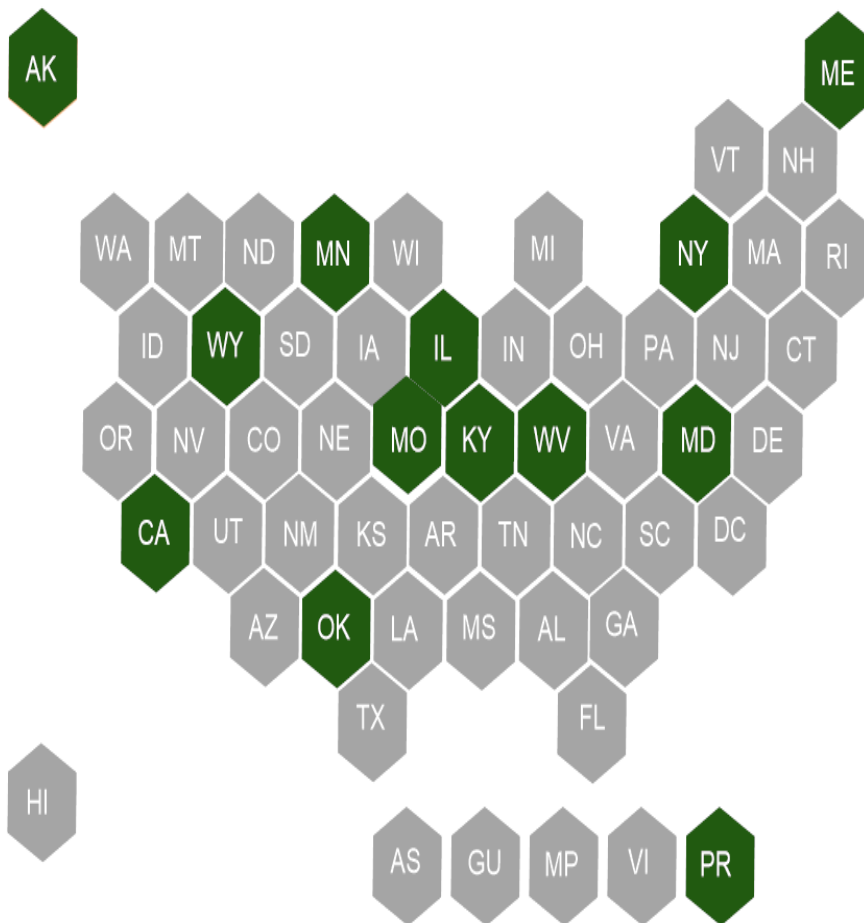
The foremost issue regarding food safety for state legislatures in 2018 concerned the donation of food. The 59 bills introduced on this subject led to the enactment of 15 bills in 12 states.

Uncertainties about the procedures to follow for safe donations, in what circumstances food may be donated and the type of foods that can be donated causes concerns. Food donation is not covered in

the FDA Food Code, nor does the federal government specify when and in what circumstances food may be donated. In turn, very few states have laws regarding food donation, placing the burden and liability on the donating facility, which [discourages businesses from donating food](#). This is changing as state legislatures learn of the barriers and uncertainties regarding food donation.

Several states looked at limiting the liability of institutions that donate food, while others offered tax credits for food donation. Encouraging schools and other institutions to donate food was popular, as well.

U.S. States with 2018 Donations of Food Legislation



Alaska enacted [HB 186](#), defining that restaurants, hotels and stores may donate food to food banks or charitable organizations without being subject to civil or criminal liability.

California's [SB 557](#) allows for unused food or food returned by a consumer at schools to be donated to a food bank or other nonprofit charity. [AB 1219](#) expands the state food donation act to allow field gleaners to donate food and authorize food facilities to donate food directly to consumers.

In **Illinois**, [SB 2606](#) provides that each state agency entering into or maintaining a contract for the purchase of food under the Procurement Code shall adopt a policy that permits the donation of leftover food procured by state funds

The **Kentucky** Farms to Food Banks Advisory Committee ([H 150](#)) law was amended to clarify how often the committee meets. [SJR 218](#) directs state agencies to conduct self-studies to examine practices that contribute to food waste and identify new practices that would reduce food waste and increase food donations to charitable feeding agencies.

Maine's [HB 1054](#) directs the Department of Environmental Protection to develop and maintain a website on food recovery with a database of guidance documents, model policies, program resources and other educational and technical materials relevant to food recovery and food waste reduction efforts that may be implemented by government entities, counties, municipalities, educational institutions, businesses and the public.

In **Maryland**, the public can claim a tax credit for the donation of venison to charitable organizations ([HB 7](#); [SB 182](#)). **Minnesota's** HB 2636 permits local governments to provide funds to community food shelves. **Missouri's** [HB 1288](#) provides a tax credit to those who donate food or cash to local homeless shelters or soup kitchens.

New York's [SB 5664](#) directs the commissioner of Agriculture and Markets to develop guidelines to encourage schools and colleges to donate excess food. In **Oklahoma**, [HB 1875](#) permits schools to donate food to nonprofit organizations.

In response to the recent hurricanes, **Puerto Rico** amended its law to allow municipalities to donate goods, foods or public funds if there is a legitimate public purpose (SB 243).

The **West Virginia** legislature enacted [HB 4478](#), authorizing public schools to distribute excess food to students and others who suffer from food insecurity.

Food Labeling and Edible Cannabis

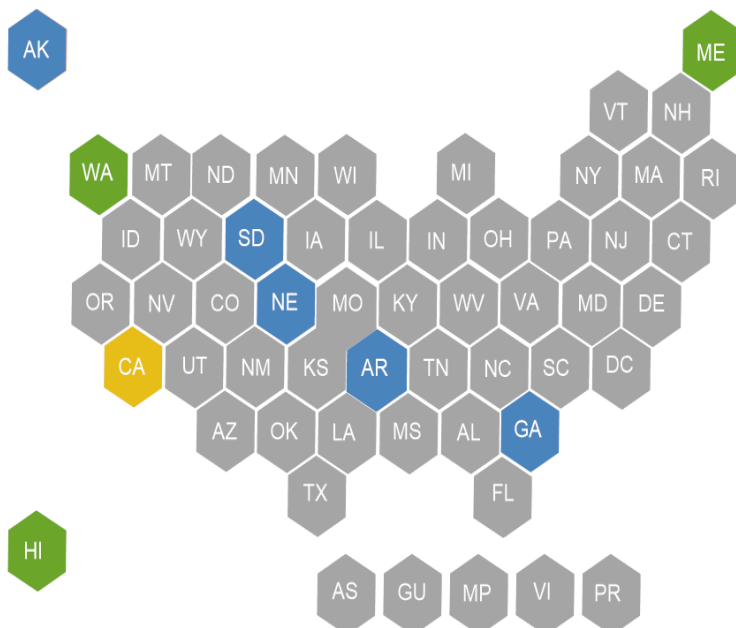
In the United States, [food labeling](#) is generally regulated by the Food and Drug Administration (FDA), the Department of Agriculture (USDA), which handles meats and eggs, and the Federal Trade Commission (FTC), which covers imported foods. These federal efforts address food nutrition and calorie counts, meat inspections and many labels found on food. But the federal regime leaves many aspects of food labeling under the authority of the states.

State food labeling laws cover packaging and point-of-purchase advertisements for foods and dietary supplements sold in retail establishments, menus in restaurants and labels on alcoholic beverages. State food labeling also covers claims made about the purity of food products or health benefits. Additional laws and regulations require sellers to describe how foods are prepared or processed, the origin of the ingredients, the nutrients and additives in the foods, and other aspects of the product that are [detailed on the packaging](#) or in related marketing efforts.

Regarding date labeling, federal efforts are limited. The FDA does require the date labeling of infant formula, not but for other products. According to the FDA, the agency “does not require food firms to place ‘expired by,’ ‘use by,’ or ‘best by’ dated on food products;”ⁱ rather, the food manufacturer must follow its own discretion. Because federal law on food date labeling is limited, states have vast discretion to regulate date labels. Certain states have been active regarding food labeling; in other states, efforts have been limited or non-existent.

A Harvard Food Policy Project survey of the states concluded that 41 states and the District of Columbia require date labels on some food items, while nine states do not require the labels on any foods.

U.S. States with Enacted 2018 Food Labeling and Edible Cannabis Legislation



	States with Enacted Food Labeling Legislation
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During the 2017-2018 legislative sessions, 46 bills were introduced on food labeling. **Massachusetts** and **New Jersey** looked at bills to standardize food date labeling to reduce food waste. **New York** sought food producers to label whether meat came from cloned animals. And several states reviewed legislation to require the labeling of GMOs in foods.

But of those 46 bills, only eight were enacted or adopted into law. The **Alaska** legislature adopted a resolution encouraging Congress to require the labeling of GMO fish products ([HJR 12](#)). **Arkansas** adopted a resolution supporting a standard identity for rice ([SCR 1](#)).

California enacted [AB 954](#), requiring the state Department of Food and Agriculture to encourage food processors to use uniform terms on food product labels to communicate quality and safety dates. The [Food and Agriculture Omnibus bill \(AB 933\)](#) includes provisions on milk and cream package date requirements.

The **Georgia** legislature enacted two bills related to food labeling. [SB 69](#) relates to the packaging and labeling of organic products and certifying entities. [HB 176](#) primarily authorizes the Department of Agriculture to enter into agreements with the federal government regarding food safety, but also has provisions regarding standards and labeling.

Nebraska amended the [Pure Food Act \(L 134\)](#) to include a provision on source labeling on eggs. **South Dakota** repealed provisions relating to the labeling requirements for feed, requesting the secretary of the Department of Agriculture to adopt the official definition of feed ingredients pursuant to the federal Food, Drug and Cosmetic Act ([HB 1035](#)).

Five bills were enacted regarding the definition and labeling of edible cannabis. **California's** [AB 133](#) and [SB 1289](#) defined “edible cannabis product” as “cannabis product that is intended to be used, in whole or in part, for human consumption.”

In **Hawaii**, [HB 2729](#) addresses labeling requirements for medical marijuana. **Maine's** [HB 1199](#) defines an “edible marijuana product” to mean a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing marijuana or marijuana concentrate.

Washington defines a “marijuana-infused edible” to have the same meaning as “marijuana-infused products” as defined in RCW 69.50.101, but limited to products intended for oral consumption ([HB 1462](#)).

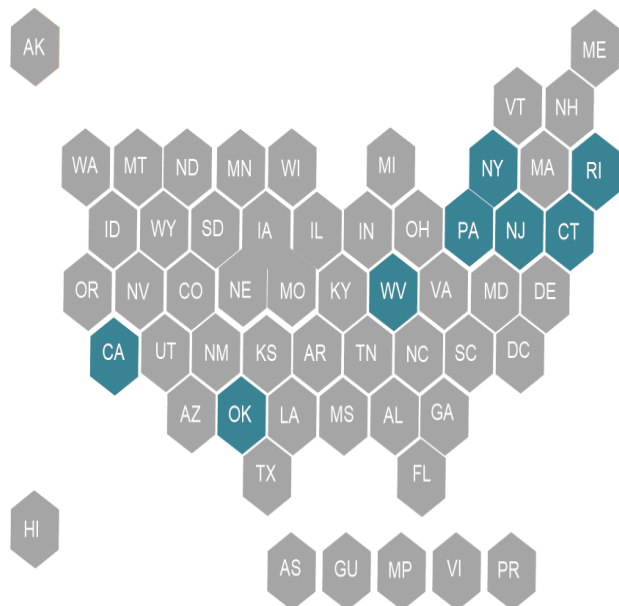
Food in Schools and Educational Institutions

Food nutrition, food donation, food allergens, farm-to-school bills and other food in schools were popular in 2018, leading to the introduction of 57 bills in 17 states, with 13 becoming enacted in nine.

A majority of the bills concerned the nutrition of the foods being served to students, with requirements to limit sugar, labeling of the amount of carbohydrates in school lunches and bills encouraging the eating of healthy food all being introduced. Legislators appeared concerned that students lacked access to healthy, nutritious foods and introduced bills to encourage healthy eating.

Allergens were another concern, with several states introducing bills ensuring that schools list potential allergens in their food. Vending of healthy foods was another concern.

U.S. States with Enacted Food in Schools Legislation



California led in the number of bills enacted on food in schools. [AB 691](#) specifies that almond milk is a nutritious beverage authorized to be sold to students in public schools. [AB 841](#) prohibits schools from advertising food or beverages or participating in corporate incentive programs that provide free or discounted foods that do not comply with nutritional standards. [AB 1971](#) requires charter schools to provide needy students with a nutritious meal at least once a day. [SB 557](#) allows schools to donate food.

Connecticut enacted [HB 5452](#), which requires the Department of Education to draft guidelines for local school districts for the management of students with life-threatening food allergies and glycoen storage disease. In **Illinois**, HR 790 urges that home economics be brought back into high school curriculum.

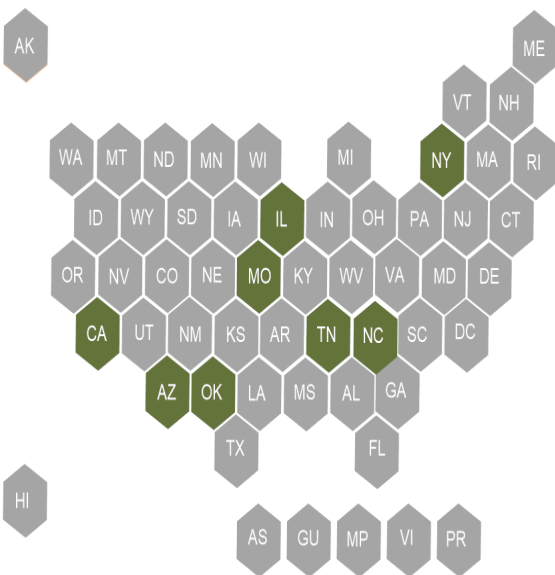
The **New Jersey** legislature expanded its summer meal program to all school districts ([SB 1897](#)). In **New York**, the Department of Health must post school cafeteria and kitchen inspection reports on its website ([SB 4173](#)). **Oklahoma's** HB 1875 permits the donation of school food, as does **West Virginia's** HB 4478. **Pennsylvania** [HB 178](#) requires schools to provide a school meal to every student who requests one, unless a parent specifically requests the school to withhold a meal.

Similar to California AB 841, **Rhode Island** [HB 7419](#) prohibits the advertising of food and beverage products in schools that fail to meet federal nutrition standards.

Nutrition and Food Deserts

Another popular topic was nutrition; 59 bills were introduced regarding foods in schools, food for seniors, or to ensure pregnant women and young children receive nutritious food. Language on the lack of access to healthy foods (i.e., food deserts) was passed in Illinois, Oklahoma and Tennessee.

U.S. States with Nutrition and Food Deserts Legislation 2018



Arizona added a provision to its appropriations bill that implements a produce incentive program for supplemental nutrition program (SNAP or food stamps) recipients to purchase state-grown fruits and vegetables at farmers' markets, farm stands and mobile markets ([SB 1245](#)).

California's [AB 836](#) authorizes the Department of Public Health to permit automated juice distribution systems that provide access to freshly made vegetable and fruit juices (under the state's food code such vending devices are illegal). The **Missouri** legislature established the Senior Farmers' Market Nutrition Program to provide low-income seniors with fresh, state-grown produce ([HB 1625](#)).

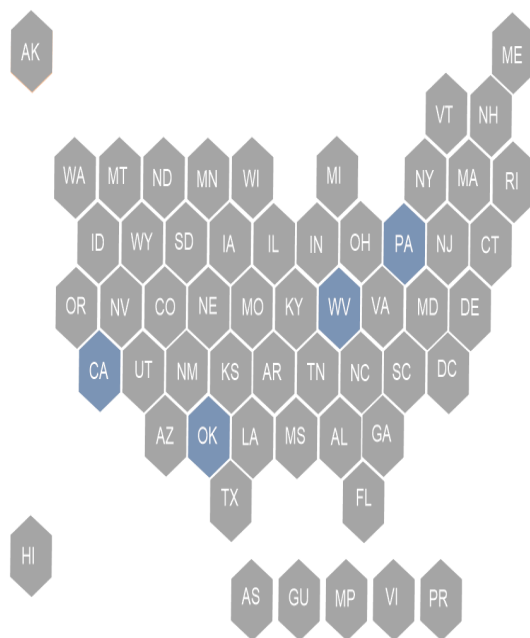
New York amended its Public Health law allowing WIC vendors to sell specialty formula for infants under its SNAP program ([AB 379](#)). **North Carolina** [HB 357](#) expanded the ability of qualified nutrition professionals to practice in the state.

The **Illinois** legislature requires the Department of Public Health to identify food deserts in the state and provide information about issues regarding these deserts ([HB 3157](#)). **Oklahoma's** [SB 506](#) creates the Healthy Food Financing Act, which provides state grant funds to ensure underserved communities have access to healthy foods. **Tennessee's** [SB 2634](#) directs the state to study food desert relief enterprises that sell fresh food in low income, underserved areas.

Food as Health

Less popular, but an emerging topic, were efforts to view food as a health issue. **California** adopted the [ACR 108 Food as Medicine Program](#) to encourage local jurisdictions to allow health providers to prescribe vegetable and healthy foods to combat the obesity and diabetes epidemic.

U.S. States with Food as Health Legislation 2018

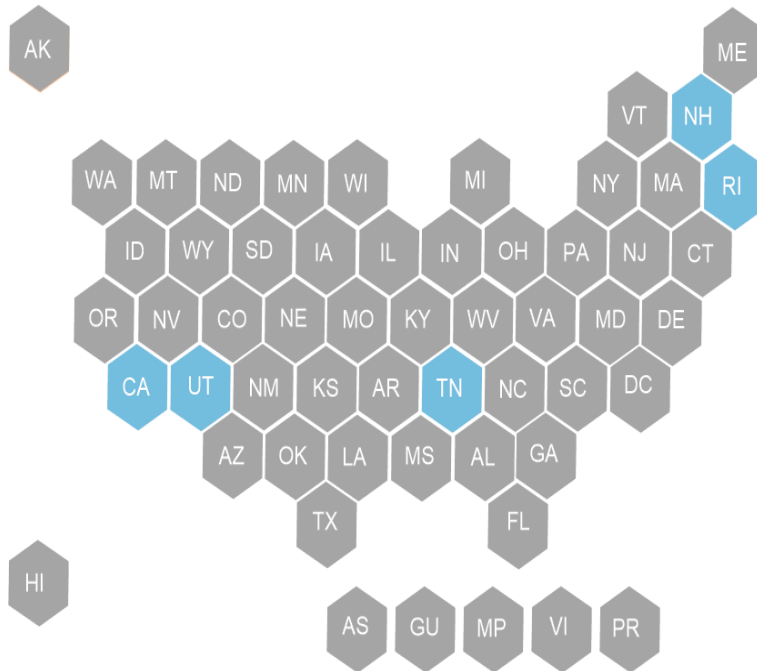


Oklahoma [SB 749](#) created the Urban Gardens Grant Act to grow health food to be sold onsite or at farmers' markets. **Pennsylvania** designated June as Healthy Living and Health Eating Month ([HR 365](#)). And **West Virginia** had the most ambitious food as health law with the enactment of [SB 299](#), which requires medical insurers to cover medically necessary foods for home use when prescribed by a physician.

Milk and Raw Milk

Bills associated with milk and dairy, especially provisions regarding raw (unpasteurized) milk, were enacted in 10 states.

U.S. States with Milk and Raw Milk Legislation 2018



The **California** legislature sought to ensure that almond milk is allowed to be sold to students in schools as non-dairy milk ([AB 691](#)). The state also enacted [SB 1039](#), which defines ultra-filtered milk products.

New Hampshire [SB 491](#) shifts the regulatory responsibilities regarding milk from the Milk Sanitation Board to the Department of Health and Human Services. The bill also requires that milk served at boarding houses be pasteurized. **Rhode Island** adopted [S 247](#), establishing procedures and standards for the handling and sale of raw milk. **Tennessee's** [HB 2153](#) provides that any milk sold in the state may be labeled as "Local Tennessee Milk."

Utah enacted [SB 108](#), modifying provisions regarding raw milk, allowing the sale of raw milk from a mobile food unit, and allowing for the sale of raw milk free from state regulations under certain circumstances.