

HOUSE BILL REPORT

SB 5799

As Passed House:
February 29, 2024

Title: An act relating to the sale of halal food products.

Brief Description: Concerning the sale of halal foods.

Sponsors: Senators Wilson, C., Trudeau, Dhingra, Hasegawa, Liias, Nobles, Salomon, Shewmake, Van De Wege and Wellman.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/20/24, 2/21/24 [DP].

Floor Activity:

Passed House: 2/29/24, 96-0.

Brief Summary of Bill

- Prohibits a person from selling or offering for sale any food product represented as halal when that person knows that the food product is not halal and the representation is likely to cause the purchaser to believe that it is halal.
- Provides that the sale or offer for sale of a food product marked as halal when that person knows the product is not halal constitutes a violation of the Consumer Protection Act.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 8 members: Representatives Chapman, Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba, Lekanoff, Orcutt, Schmick and Springer.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Rebecca Lewis (786-7339).

Background:

Food Safety.

The Washington State Department of Agriculture Food Safety Program provides professional technical assistance, food safety public health inspections, licensing services, and food recall assistance for:

- food processors;
- dairy farms and milk producers;
- milk processors;
- food warehouses;
- pastured chicken slaughterers;
- egg handlers and dealers;
- food storage lockers;
- custom meat operations; and
- food companies that are not handled by local county health official jurisdictions.

Food businesses licensed by the State of Washington to produce, warehouse, process, market, sell, and distribute product are required to follow the safe food production, management, and handling practice specified in the Washington Food, Drug, and Cosmetic Act and other applicable federal and state food safety laws and regulations depending on the type of activity the food business performs.

Washington Consumer Protection Act.

The Consumer Protection Act (CPA) prohibits unfair methods of competition, or unfair or deceptive practices in the conduct of any trade or commerce. The Attorney General is authorized to investigate and prosecute claims under the CPA on behalf of the state or individuals in the state.

A person injured by a violation of the CPA may bring a civil action for injunctive relief, recovery of actual damages, and reasonable attorneys' fees. Maximum civil penalties for violation of the CPA are set out as follows:

- violation of any injunction issued under the CPA: \$25,000;
- any contract, trust, or conspiracy in restraint of trade or commerce or monopolization or attempt to monopolize any part of trade or commerce: \$100,000 for an individual or \$500,000 for a corporation; and
- unfair methods of competition and unfair or deceptive acts or practices in trade or commerce: \$2,000 for each violation.

When the Attorney General brings an action in the name of the state or on behalf of a private citizen to restrain a person from engaging in unlawful acts under the CPA, the court may award costs, including reasonable attorneys' fees, to the prevailing party.

Halal Certification.

Halal food is food deemed permissible under dietary principles derived from Islamic teachings, meaning "lawful or permitted." Foods not considered halal are considered haram or "not permitted." Certified halal foods are products that are both permissible and have been processed in a facility and in a manner that maintains the integrity of the halal certification. Halal food certification is generally provided by third-party entities.

Summary of Bill:

Halal food is defined as a food product prepared, processed, and maintained in strict accordance with the requisites of Islamic principles and customs. No person may knowingly sell or offer for sale any food product marked, stamped, tagged, branded, labeled, or represented as halal when the person knows that the food product is not halal and when the representation is likely to cause a customer to believe it is halal. A violation constitutes a violation of the Consumer Protection Act.

The Food Safety and Security Act is not applicable to halal food to the extent necessary to produce halal food.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There are over 100,000 Muslims living in Washington. The idea for this bill came from the Muslim community in the prime sponsor's district. More awareness of culturally acceptable foods helps to honor Washington's diverse population.

(Opposed) None.

Persons Testifying: Senator Claire Wilson, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.