

SENATE BILL REPORT

SB 5799

As Passed Senate, February 9, 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, Water, Natural Resources & Parks: 1/18/24, 1/25/24 [DP].

Ways & Means: 2/03/24, 2/05/24 [DP, w/oRec].

Floor Activity: Passed Senate: 2/9/24, 48-0.

Brief Summary of Bill

- Provides that no person may sell or offer for sale any food product labeled or 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.
- Establishes 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.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Muzzall, Ranking Member; Liias, Shewmake, Short, Stanford, Wagoner and Warnick.

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: Karen Epps (786-7424)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, L., Ranking Member, Operating; Boehnke.

Staff: Samuel Brown (786-7470)

Background: Food Safety. The Washington Department of Agriculture (WSDA) inspects and analyzes food products; inspects food processing, handling, and storage establishments and practices; inspects dairy farms and plants; inspects eggs for quality and weight standards; sets and enforces sanitary standards for egg graders; inspects refrigerated locker plants; inspects custom farm slaughterers and custom meat facilities; and licenses and supervises dairy technicians.

The WSDA Food Safety Program:

- protects and reduces public health risk by assuring the safety of the state's food supply;
- facilitates the movement of Washington agricultural products in domestic and international markets; and
- issues export certificates of sanitation and free sale for food products manufactured in Washington State.

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 & 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. Halal is a dietary law 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 not only acceptable but have been processed in a facility that maintains the integrity of the halal certification.

Summary of Bill: No person may knowingly sell or offer for sale any food product marked, stamped, tagged, branded, labeled, or represented as halal when that person knows the food product is not halal and the representation is likely to cause the purchaser to believe the product is halal. The representation may be made in any language, orally or in writing, or by display of a sign, mark, insignia, or simulation. Violating this provision 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.

Halal food is defined as a food product prepared, processed, and maintained in strict accordance with the requisites of Islamic principles and customs including, but not limited to, the slaughter of an animal and preparation of the animal for human consumption.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Agriculture, Water, Natural Resources & Parks): PRO: Islamic dietary laws define foods that are halal, meaning that they are lawful or permitted. Increased awareness of culturally acceptable foods increases our ability to meet the needs of our diverse communities. The bill is not designed to discourage stores from carrying halal foods because the goal is to continue to have those foods accessible.

This bill provides that anyone who knowingly sells or offers for sale any food product that is represented as halal that is not halal is a violation of the Consumer Protection Act. It is very important for the muslim belief to eat halal. One of the struggles is that sometimes people lie about the food being halal and people who deceive should be held accountable.

There is a difference between halal meat and meat that is not halal. There is a process to slaughtering meat to comply with Islamic law that makes the meat healthier. This bill will make more space in the local markets, reduce the financial burden on families and businesses, and will ensure fair competition between halal and non halal foods. The bill will also ensure cultural connectivity. This bill is very important for the 125,000 Muslim community members living in Washington. Establishing whether meat is or is not halal is very important. This bill will stop people from selling non halal meat as halal meat.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Senator Claire Wilson, Prime Sponsor; Amna Qazi; Shama Farag; MUHAMMAD NAZIR; NADEEM AHMED.

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): No one.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.