

2021 -- S 0471

LC002075

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO FOOD AND DRUGS -- FORCE-FED POULTRY PRODUCTS

Introduced By: Senators DiMario, Kallman, Euer, Valverde, and Anderson

Date Introduced: March 04, 2021

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 16.1

4 FORCE-FED POULTRY PRODUCTS

5 **21-16.1-1. Definitions.**

6 For the purposes of this chapter, the following terms have the following meaning:

7 (1) "Food service establishment" means a place where food is provided for individual
8 portion service directly to the consumer whether such food is provided free of charge or sold, and
9 whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

10 (2) "Force-fed poultry product" means any product that is the result of force-feeding a bird,
11 including, but not limited to, a duck or a goose, with the intent to fatten or enlarge the bird's liver.

12 (3) "Force-feeding" means the practice of forcing, by any means, food or supplements into
13 the throat, esophagus, crop or stomach of an animal.

14 (4) "Retail food establishment" means a supermarket, grocery store, specialty food store or
15 farmer's market.

16 **21-16.1-2. Prohibited conduct.**

17 No retail food establishment or food service establishment, or agent thereof, shall store,
18 keep, maintain, offer for sale, or sell any force-fed poultry product or food containing a force-fed
19 poultry product. For purposes of this chapter, it shall be a rebuttable presumption that an item in a

1 retail food establishment or food service establishment having the label "foie gras" or listed on a
2 menu as "foie gras" is a force-fed poultry product. A party seeking to rebut such presumption shall
3 provide documentary evidence proving that the product they are storing, keeping, maintaining,
4 offering for sale, or selling is not a force-fed poultry product as defined in this chapter.

5 **21-16.1-3. Enforcement.**

6 (a) Any person who is found to violate any provision of this chapter shall be subject to a
7 civil penalty of five hundred dollars (\$500) for each violation. Each such violation may be treated
8 as a separate and distinct offense, and in the case of a continuing violation, each day's continuance
9 thereof may be treated as a separate and distinct offense.

10 (b) It shall be the duty of every board of health, the health department of any city or town
11 and the state department of health whenever cognizant of any violation of this chapter to prosecute
12 any person, firm, or corporation which it has reason to believe has violated any of the provisions
13 of this chapter, and after deducting the costs of trial and conviction, to retain for the use of the board
14 or department the balance of the fine or fines recovered.

15 SECTION 2. This act shall take effect on January 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would prohibit a retail food or a food service establishment from the sale of any
2 force-fed poultry product or food containing a force-fed poultry product and would impose a civil
3 penalty of five hundred dollars (\$500) for each violation.

4 This act would take effect on January 1, 2022.

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