

2001 DRAFTING REQUEST

Bill

Received: **11/30/2001**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Ted Kanavas (608) 266-9174**

By/Representing: **Bruce Pfaff**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Addl. Drafters:

Subject: **Agriculture - food safety**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Sale of Halal food

Instructions:

Create a law like current Kosher food law for Halal food.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 12/12/2001	chanaman 12/17/2001 rschluet 12/18/2001		_____			
/1			pgreensl 12/18/2001	_____	lrb_docadmin 12/18/2001	lrb_docadmin 03/06/2002	

FE Sent For:

<END>

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1/?	traderc	 12-12-01	12/18 ps	12/18 ps IB			

FE Sent For:

<END>

Tradewell, Becky

From: Pfaff, Bruce
Sent: Friday, November 30, 2001 12:03 PM
To: Tradewell, Becky
Subject: Halal Legislation Link

Becky:

Per our discussion, attached is the link to the legislation adopted in Illinois. Please feel free to call me if you have any questions.

Bruce Pfaff

<http://www.legis.state.il.us/legisnet/legisnet92/sbgroups/sb/920sb0750eng.html>

or 92.56

State of Illinois

92nd General Assembly

Legislation

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[[House Amendment 001](#)]
 [[Senate Amendment 003](#)]

92 SB0750eng

SB750 Engrossed

LRB9207942DJpr

1 AN ACT in relation to public health.

2 Be it enacted by the People of the State of Illinois,
 3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
 5 Halal Food Act.

6 Section 5. Definitions. As used in this Act:

7 "Advertise" means to engage in promotional activities
 8 including, but not limited to, newspaper, radio, Internet and
 9 electronic media, and television advertising; the
 10 distribution of fliers and circulars; and the display of
 11 window and interior signs.

12 "Food", "food product", or "food commodity" means any
 13 food, food product, or food preparation, whether raw or
 14 prepared for human consumption, and whether in a solid or
 15 liquid state, including, but not limited to, any meat, meat
 16 product or meat preparation; any milk, milk product or milk
 17 preparation; and any beverage.

18 "Food commodity in package form" means a food commodity
 19 put up or packaged in any manner in advance of sale in units
 20 suitable for retail sale and which is not intended for
 21 consumption at the point of manufacture.

22 "Halal" means prepared under and maintained in strict
 23 compliance with the laws and customs of the Islamic religion
 24 including but not limited to those laws and customs of
 25 zabiha/zabeeha (slaughtered according to appropriate Islamic
 26 code), and as expressed by reliable recognized Islamic
 27 entities and scholars.

28 Section 10. Deception prohibited.

29 (a) It is a Class B misdemeanor for any person to make
 30 any oral or written statement that directly or indirectly

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LRB9207942DJpr

1 tends to deceive or otherwise lead a reasonable individual to
 2 believe that a non-halal food or food product is halal.

3 (b) The presence of any non-halal food or food product

4 in any place of business that advertises or represents itself
5 in any manner as selling, offering for sale, preparing, or
6 serving halal food or food products only, is presumptive
7 evidence that the person in possession offers the food or
8 food product for sale in violation of subsection (a).

9 (c) It shall be a complete defense to a prosecution
10 under subsection (a) that the defendant relied in good faith
11 upon the representations of an animals' farm, slaughterhouse,
12 manufacturer, processor, packer, or distributor, or any
13 person or organization which certifies or represents any food
14 or food product at issue to be halal or as having been
15 prepared under or sanctioned by Islamic religious
16 requirements.

17 Section 15. Other offenses concerning halal food. It is
18 a Class B misdemeanor for any person to:

19 (1) falsely represent any animal sold, grown, or
20 offered for sale to be grown in a halal way to become
21 food for human consumption;

22 (2) falsely represent any food sold, prepared,
23 served, or offered for sale to be halal;

24 (3) remove or destroy, or cause to be removed or
25 destroyed, the original means of identification affixed
26 to food commodities to indicate that the food commodities
27 are halal, except that this paragraph (3) may not be
28 construed to prevent the removal of the identification if
29 the commodity is offered for sale as non-halal;

30 (4) sell, dispose of, or have in his or her
31 possession for the purpose of resale as halal any food
32 commodity to which an animals' farm or slaughterhouse
33 mark, stamp, tag, brand, label, or other means of

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1 identification has been fraudulently attached;

2 (5) label or identify a food commodity in package
3 form to be halal or possess such labels or means of
4 identification, unless he or she is the manufacturer or
5 packer of the food commodity in package form;

6 (6) label or identify an article of food not in
7 package form to be halal or possess such labels or other
8 means of identification, unless he or she is the
9 manufacturer of the article of food;

10 (7) falsely label any food commodity in package
11 form as halal by having or permitting to be inscribed on
12 it, in any language, the words "halal" or "halal", or any
13 other words or symbols, not limited to characters in
14 Arabic writing, which would tend to deceive or otherwise
15 lead a reasonable individual to believe that the
16 commodity is halal;

17 (8) sell, offer for sale, prepare, or serve in or
18 from the same place of business both unpackaged non-halal
19 food and unpackaged food he or she represents to be halal
20 unless he or she posts a window sign at the entrance of
21 his or her establishment which states in block letters at
22 least 4 inches in height: "Halal and Non-Halal Foods Sold
23 Here", or "Halal and Non-Halal Foods Served Here", or a
24 statement of similar import;

25 (9) sell or have in his or her possession for the
26 purpose of resale as halal any food commodity not having
27 affixed thereto the original animals' farm or

28 slaughterhouse mark, stamp, tag, brand, label, or other
 29 means of identification employed to indicate that the
 30 food commodity is halal; or
 31 (10) display for sale, in the same show window or
 32 other location on or in his or her place of business,
 33 both unpackaged food represented to be halal and
 34 unpackaged non-halal food unless he or she:

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LRB9207942DJpr

1 (A) displays over the halal and non-halal food
 2 signs that read, in clearly visible block letters,
 3 "halal food" and "non-halal food", respectively, or,
 4 as to the display of meat alone, "halal meat" and
 5 "non-halal meat", respectively;
 6 (B) separates the halal food products from the
 7 non-halal food products by keeping the products in
 8 separate display cabinets, or by segregating halal
 9 items from non-halal items by use of clearly visible
 10 dividers; and
 11 (C) slices or otherwise prepares the halal
 12 food products for sale with utensils used solely for
 13 halal food items.

14 Section 90. The Consumer Fraud and Deceptive Business
 15 Practices Act is amended by adding Section 2KK as follows:

16 (815 ILCS 505/2KK new)
 17 Sec. 2KK. Halal food; disclosure.

18 (a) As used in this Section:

19 "Dealer" means any establishment that advertises,
 20 represents, or holds itself out as growing animals in a halal
 21 way or selling, preparing, or maintaining food as halal,
 22 including, but not limited to, manufacturers, animals' farms,
 23 slaughterhouses, wholesalers, stores, restaurants, hotels,
 24 catering facilities, butcher shops, summer camps, bakeries,
 25 delicatessens, supermarkets, grocery stores, licensed health
 26 care facilities, freezer dealers, and food plan companies.
 27 These establishments may also sell, prepare or maintain food
 28 not represented as halal.

29 "Director" means the Director of Agriculture.

30 "Food" means an animal grown to become food for human
 31 consumption, a food, a food product, a food ingredient, a
 32 dietary supplement, or a beverage.

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LRB9207942DJpr

1 "Halal" means prepared under and maintained in strict
 2 compliance with the laws and customs of the Islamic religion
 3 including but not limited to those laws and customs of
 4 zabiha/zebeeha (slaughtered according to appropriate Islamic
 5 codes), and as expressed by reliable recognized Islamic
 6 entities and scholars.

7 (b) Any dealer who grows animals represented to be grown
 8 in a halal way or who prepares, distributes, sells, or
 9 exposes for sale any food represented to be halal shall
 10 disclose the basis upon which those representations are made
 11 by posting the information required by the Director, in
 12 accordance with rules adopted by the Director, on a sign of a
 13 type and size specified by the Director, in a conspicuous
 14 place upon the premises at which the food is sold or exposed
 15 for sale, as required by the Director.

16 (c) Any person subject to the requirements of subsection
17 (b) does not commit an unlawful practice if the person shows
18 by a preponderance of the evidence that the person relied in
19 good faith upon the representations of an animals' farm,
20 slaughterhouse, manufacturer, processor, packer, or
21 distributor of any food represented to be halal.

22 (d) Possession by a dealer of any animal grown to become
23 food for consumption or any food not in conformance with the
24 disclosure required by subsection (b) with respect to that
25 food is presumptive evidence that the person is in possession
26 of that food with the intent to sell.

27 (e) Any dealer who grows animals represented to be grown
28 in a halal way or who prepares, distributes, sells, or
29 exposes for sale any food represented to be halal shall
30 comply with all requirements of the Director, including, but
31 not limited to, recordkeeping, labeling and filing, in
32 accordance with rules adopted by the Director.

33 (f) Neither an animal represented to be grown in a halal
34 way to become food for human consumption, nor a food

SB750 Engrossed

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LRB9207942DJpr

1 commodity represented as halal, may be offered for sale by a
2 dealer until the dealer has registered documenting
3 information of the certifying Islamic entity specialized in
4 halal food or the supervising Muslim Inspector of Halal Food
5 with the Director.

6 (g) The Director shall adopt rules to carry out this
7 Section in accordance with the Illinois Administrative
8 Procedure Act.

9 (h) It is an unlawful practice under this Act to violate
10 this Section or the rules adopted by the Director to carry
11 out this Section.

[Top]

2001

Date (time) needed _____

LRB - 4342 1/1

BILL

RT: rs: _____
imb

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *sale of halal food.*

Note

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

Analysis Inset

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.



2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4342/lins
RCT:.....

Analysis Insert

Current law prohibits a person from doing any of the following with intent to defraud:

1. Falsely representing that any meat sold by the person is kosher and as having been prepared under orthodox Hebrew religious requirements.
2. Falsely representing that any food is kosher and as having been prepared under orthodox Hebrew religious requirements by having the word "kosher" on the food's package.
3. Selling both kosher and nonkosher meat unless each kind of meat is identified as kosher or nonkosher.
4. In a restaurant, falsely representing that food is kosher and as having been prepared under orthodox Hebrew religious requirements.
5. In a restaurant, selling both kosher and nonkosher food unless ~~unless~~ the window signs and display advertising state that both kosher and nonkosher foods are sold.

This bill creates prohibitions related to the sale of halal food that are the same as under current law related to kosher food. "Halal" is defined as prepared under and maintained in strict compliance with the laws and customs of the Islamic religion as expressed by reliable, recognized Islamic entities and scholars.

Insert A

109 prepared under and maintained in strict compliance with the laws and customs of the Islamic religion, including the laws and customs relating to slaughter, as expressed by reliable, recognized Islamic entities and scholars

-4342/1

97.55 created

Section #. ~~97.56~~ of the statutes is amended to read:

(B) 5 Halal food

"halal" Insert A

97.56 ~~Kosher meat~~ (1) ~~Under~~ ^{In} this section ~~the word~~ ^{halal} means prepared in accordance with the Jewish ritual and sanctioned by Hebrew orthodox religious requirements.

(2) No person may, with intent to defraud, do any of the following:

(a) Sell or expose for sale any meat or meat preparation, whether raw or prepared for human consumption, and falsely represent the meat or meat preparation to be ~~kosher~~ ^{halal} and as having been prepared under and of a product or products sanctioned by the ~~orthodox Hebrew~~ ^{Islamic} religious requirements.

(b) Falsely represent any food product or the contents of any package or container to be ~~kosher~~ ^{halal} and as having been prepared under and of a product or products sanctioned by the ~~orthodox Hebrew~~ ^{Islamic} religious requirements, by having or permitting to be inscribed on the package or container the word ~~"kosher"~~ ^{halal} in any language.

(c) Sell or expose for sale in the same place of business both ~~kosher~~ ^{halal} and ~~nonkosher~~ ^{nonhalal} meat or meat preparations, either raw or prepared for human consumption, unless all of that person's window signs and display advertising indicate, in block letters at least 4 inches in height, ~~"Kosher and Non-kosher Meat Sold Here"~~ ^{Halal and Nonhalal}.

(d) Expose for sale in any show window or place of business ~~both kosher and nonkosher~~ ^{halal and nonhalal} meat or meat preparations, either raw or prepared for human consumption, unless the person displays over each kind of meat or meat preparation so exposed a sign in block letters at least 4 inches in height reading ~~"Kosher Meat"~~ ^{Halal}, or ~~"Nonkosher Meat"~~ ^{Nonhalal}, as the case may be.

(3) No person, with intent to defraud, may do any of the following:

(a) Sell or expose for sale in any such restaurant or other place where food products are sold for consumption on the premises, any article of food or food preparations that is falsely represented to be ~~kosher~~ ^{halal} and as having been prepared in accordance with the ~~orthodox Hebrew~~ ^{Islamic} religious requirements.

(b) Sell or expose for sale in any restaurant or other place both ^{halal and nonhalal} ~~kosher and nonkosher~~ food or food preparations for consumption on the premises when not prepared in accordance with the ~~Jewish~~ ^{Islamic} ritual and not sanctioned by the ~~Hebrew~~ ^{Islamic} religious requirements, unless the person's window signs and display advertising state, in block letters at least 4 inches in height, ~~"Kosher and Nonkosher Food Served Here"~~ ^{"Halal and Nonhalal Food Served Here"}.

~~History: 1993 a. 492, 1997 a. 253.~~

(End)

OK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4342/1dn

RCT:.....

RS

Date

Bruce Pfaff:

→ This is the draft related to the sale of halal food. It is based on this state's kosher food statute, s. 97.56, which is what I understand that you want. The only provision that I took from the Illinois halal food law is the definition of halal. Please let me know if this is not consistent with your intent.

↪ I am not aware that there has been a legal challenge to this state's kosher food statute. The kosher food laws in some other jurisdictions have been successfully challenged as violating the Establishment Clause of the First Amendment to the U.S. Constitution. See *Commack Self-Service Kosher Meats v. Rubin*, 106 F. Supp. 2d 445 (E.D. New York, 2000); *Ran-Dav's County Kosher, Inc. v. New Jersey*, 129 N.J. 141, 608A. 2d 1353 (1992), cert. denied, 507 U.S. 952, 113 S. Ct. 1366, 122 L. Ed. 2d 744 (1993); *Barghout v. Bureau of Kosher Meat and Food Control*, 66 F.3d 1337 (4th Cir. 1995). The courts held that the laws created an excessive entanglement between religion and the state and had the effect of advancing religion. The laws challenged in those cases are not identical to this state's kosher food statute, but it is possible that a constitutional challenge to that statute or to the halal food statute created in this draft would be successful.

Please contact me with any questions or with redraft instruction.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4342/1dn
RCT:rs:pg

December 18, 2001

Bruce Pfaff:

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Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Pfaff, Bruce
Sent: Tuesday, March 05, 2002 4:55 PM
To: Tradewell, Becky
Subject: LRB 4342/1 Sale of Halal food

Becky,

Can you please have this legislation, LRB 4342/1 Sale of Halal food jacketed for Senate introduction Also can you please send me a pdf version of the bill.

Thanks..

Bruce Pfaff, Chief of Staff
State Senator Ted Kanavas
33rd Senate District
608.266.9174

↑
I sent