

1 AMENDED
2 May 22, 2008
3

H. 3028

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6 Introduced by Reps. Funderburk, Haskins, Witherspoon, Whipper,
7 Hardwick, Hagood, Clemmons, Neilson and Erickson
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9 S. Printed 5/22/08--S.
10 Read the first time February 26, 2008.
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9 **A BILL**

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11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, BY ADDING SECTION 39-5-42 SO AS TO MAKE IT AN
13 UNFAIR TRADE PRACTICE KNOWINGLY AND WILFULLY
14 TO MISREPRESENT THE IDENTITY OF FOOD OR A FOOD
15 PRODUCT THAT IS SERVED, SOLD, OR OTHERWISE
16 COMMERCIALY DISTRIBUTED OR OFFERED FOR
17 DISTRIBUTION, TO SPECIFY ACTS OF
18 MISREPRESENTATION OF THE IDENTITY OF FOOD OR A
19 FOOD PRODUCT, AND TO PROVIDE FOR CRIMINAL,
20 CIVIL, AND ADMINISTRATIVE PENALTIES FOR
21 VIOLATIONS.

22 Amend Title To Conform
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24 Be it enacted by the General Assembly of the State of South
25 Carolina:
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27 SECTION 1. Article 1, Chapter 5, Title 39 of the 1976 Code is
28 amended by adding:
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30 “Section 39-5-32. (A) For purposes of this section ‘food’ or
31 ‘food product’ is an article that is produced, raised, caught, or
32 harvested for human consumption.

33 (B) It is an unfair trade practice pursuant to Section 39-5-20 to
34 knowingly and willfully misrepresent food or a food product if the
35 food or food product purports to be or is represented to be a
36 product of South Carolina but is the product of another state,
37 country, or territory.

38 (C) No provision in this section is intended to conflict with the
39 enforcement of criminal penalties or other provisions of law
40 relating to the misrepresentation or adulteration of food or food
41 products.”
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43 SECTION 2. The repeal or amendment by this act of any law,
44 whether temporary or permanent or civil or criminal, does not

1 affect pending actions, rights, duties, or liabilities founded thereon,
2 or alter, discharge, release or extinguish any penalty, forfeiture, or
3 liability incurred under the repealed or amended law, unless the
4 repealed or amended provision shall so expressly provide. After
5 the effective date of this act, all laws repealed or amended by this
6 act must be taken and treated as remaining in full force and effect
7 for the purpose of sustaining any pending or vested right, civil
8 action, special proceeding, criminal prosecution, or appeal existing
9 as of the effective date of this act, and for the enforcement of
10 rights, duties, penalties, forfeitures, and liabilities as they stood
11 under the repealed or amended laws.

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13 SECTION 3. This act takes effect upon approval by the Governor
14 and applies to all violations occurring after that date.

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