

HOUSE BILL No. 5410

February 16, 2012, Introduced by Reps. McMillin, Yonker, Agema, Shirkey, Heise, Haveman and Opsommer and referred to the Committee on Agriculture.

A bill to prohibit federal regulation of food, food producers, and food production in intrastate commerce; to provide for the powers and duties of certain federal, state, and local governmental officers and entities; to prohibit the enforcement of federal law regulating food, food producers, and food production in intrastate commerce; and to provide for penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "food
2 freedom protection act".

3 Sec. 2. The legislature finds all of the following:

4 (a) The Tenth Amendment to the constitution of the United
5 States provides that the only powers that the federal government
6 may exercise are those that have been delegated to it in the
7 constitution of the United States.

1 (b) The Ninth Amendment to the constitution of the United
2 States guarantees to the people rights not enumerated in the
3 constitution of the United States and reserves to the people of
4 this state those rights.

5 (c) Under clause 3 of section 8 of article I of the
6 constitution of the United States, the federal government is
7 empowered to regulate commerce among the several states.

8 (d) The power to regulate intrastate commerce is reserved to
9 the states or the people under the Ninth and Tenth Amendments to
10 the constitution of the United States.

11 Sec. 3. As used in this act, "food" means any substance
12 intended to be, or reasonably expected to be, ingested by humans
13 for nutrition or pleasure whether processed, partially processed,
14 or unprocessed and whether prior, during, or subsequent to harvest
15 or production, such as fruit, vegetables, and seeds; meat, fish,
16 fowl, poultry, and eggs; dairy products, including milk, raw milk,
17 and cheese; alcoholic and nonalcoholic beverages; and herbs,
18 spices, vitamins, or supplements. Food does not include a drug or
19 water other than bottled water.

20 Sec. 4. If food is produced in and remains in this state, the
21 food, the producer of the food, and the production of the food are
22 solely under regulatory authority of this state and are not subject
23 to federal regulation.

24 Sec. 5. An agent of the federal government, of this state, or
25 of a local unit of government, including, but not limited to, an
26 agent of the federal bureau of investigation, of the department of
27 homeland security, of the food and drug administration, of the

1 department of state police, of a sheriff's department, of a
2 municipal police department, or of a corporation providing law
3 enforcement services to the federal government, this state, or a
4 local unit of government shall not, within this state, enforce
5 federal laws regulating food, food producers, or food production
6 described in section 4.

7 Sec. 6. An individual who violates or attempts to violate
8 section 5 is guilty of a misdemeanor punishable by imprisonment for
9 not more than 180 days or a fine of not more than \$5,000.00, or
10 both.

11 Sec. 7. The attorney general may enforce this act in court by
12 seeking injunctive and other relief.