

§2155-A. Prohibitions and penalties**1. Prohibitions.** A person may not:

- A. Manufacture, sell or deliver, hold or offer for sale any food that is adulterated or misbranded; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- B. Violate paragraph A after having previously violated this subsection; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- C. Adulterate or misbrand any food; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- D. Violate paragraph C after having previously violated this subsection; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- E. Receive in commerce any food that is adulterated or misbranded, or deliver or proffer delivery of adulterated or misbranded food for pay or otherwise; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- F. Violate paragraph E after having previously violated this subsection; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- G. Disseminate any false advertisement; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- H. Violate paragraph G after having previously violated this subsection; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- I. Refuse to permit entry or inspection, or to permit the taking of a sample as authorized in section 2164; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- J. Violate paragraph I after having previously violated this subsection; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- K. Give a guaranty or undertaking that is false, except if the person relied on a guaranty or undertaking to the same effect signed by and containing the name and address of the person residing in the United States from whom the food was received in good faith; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- L. Violate paragraph K after having previously violated this subsection; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- M. Remove or dispose of a detained or embargoed article in violation of section 2159; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- N. Violate paragraph M after having previously violated this subsection; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- O. Alter, mutilate, destroy, obliterate or remove all or any part of the labeling of or do any other act with respect to a food if the act is done while the article is held for sale and results in the article being misbranded; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- P. Violate paragraph O after having previously violated this subsection; [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- Q. Forge, counterfeit, simulate or falsely represent or without proper authority use any mark, stamp, tag, label or other identification device authorized or required by rules adopted under this subchapter; or [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- R. Violate paragraph Q after having previously violated this subsection. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Penalties. The penalties for violating subsection 1 are as follows.

A. Except as otherwise provided in this subsection, a person who violates subsection 1, paragraph A, C, E, G, I, K, M, O or Q commits a civil violation for which a fine of not more than \$1,000 may be adjudged. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Except as otherwise provided in this subsection, a person who violates subsection 1, paragraph B, D, F, H, J, L, N, P or R commits a civil violation for which a fine of not more than \$2,000 may be adjudged. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A person who intentionally violates subsection 1, paragraph A, C, E, K, M or O, involving adulterated food, except as adulterated according to section 2156, subsection 2, commits a civil violation for which a fine of not more than \$10,000 may be adjudged. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. A person who intentionally violates subsection 1, paragraph B, D, F, L, N or P, involving adulterated food, except as adulterated according to section 2156, subsection 2, commits a civil violation for which a fine of not more than \$20,000 may be adjudged. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

E. A person who violates subsection 1, paragraph B involving monosodium glutamate pursuant to section 2157, subsection 13 commits a civil violation for which a fine of not more than \$100 may be adjudged. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

F. A person who violates subsection 1, paragraph A involving monosodium glutamate pursuant to section 2157, subsection 13 must be issued a warning only. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Exceptions. The following paragraphs are exceptions to the application of this section.

A. Carriers subject to the jurisdiction of the Public Utilities Commission or the Interstate Commerce Commission are not subject to subsection 1, paragraph E or F by reason of their receipt, carriage, holding or delivery of foods in the usual course of business as carriers. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person is not subject to the penalties prescribed under subsection 2 for having violated subsection 1, paragraph A, B, E or F if the person establishes a guaranty or undertaking signed by, and containing the name and address of, another person residing in this State from whom the person received in good faith the article, to the effect that the article is not adulterated or misbranded within the meaning of this subchapter, citing this subchapter. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. A person who is a publisher, radio-broadcast licensee or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor or seller of the article to which a false advertisement relates, is not liable under this section by reason of the dissemination by the person of the false advertisement, unless the person has refused or neglected on the request of the Commissioner of Agriculture, Conservation and Forestry to furnish the commissioner the name and post office address of the manufacturer, packer, distributor, seller or advertising agency residing in this State who caused the person to disseminate the advertisement. [PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §6 (REV).]

[PL 2003, c. 452, Pt. K, §13 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §6 (REV).]

SECTION HISTORY

PL 2003, c. 452, §K13 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 657, Pt. W, §6 (REV).

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