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HOUSE BILL 485

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Andy Nuñez

AN ACT

RELATING TO FOOD; CREATING THE NEW MEXICO CHILE ADVERTISING ACT; IDENTIFYING CERTAIN UNLAWFUL CHILE ADVERTISING PRACTICES; PROVIDING FOR ADMINISTRATION, AUDIT AND INSPECTION BY THE NEW MEXICO DEPARTMENT OF AGRICULTURE; DESIGNATING AN UNFAIR OR DECEPTIVE TRADE PRACTICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. SHORT TITLE.**--This act may be cited as the "New Mexico Chile Advertising Act".

**SECTION 2. UNLAWFUL ADVERTISING, LABELING OR SELLING OF NON-NEW MEXICO CHILE.**--

A. It is unlawful for a person to advertise, describe, label or offer for sale chile peppers as New Mexico chile, or to advertise, describe, label or offer for sale a product as containing New Mexico chile, unless the chile

underscored material = new  
~~[bracketed material] = delete~~

underscoring material = new  
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1 peppers or chile peppers in the product were grown in New  
2 Mexico.

3 B. As used in the New Mexico Chile Advertising Act,  
4 "chile pepper" means the fruit from Capsicum annum, New  
5 Mexican-type.

6 SECTION 3. ADMINISTRATION--AUDIT--INSPECTION.--

7 A. The board of regents of New Mexico state  
8 university may enforce and administer the New Mexico Chile  
9 Advertising Act through the New Mexico department of  
10 agriculture. The board shall have the authority to promulgate  
11 rules, in consultation with the New Mexico chile industry,  
12 necessary for the administration of the New Mexico Chile  
13 Advertising Act.

14 B. The New Mexico department of agriculture through  
15 its authorized inspectors or agents is authorized to:

16 (1) audit the purchase and sales records of a  
17 person dealing with the sale of chile peppers or products  
18 containing chile peppers that are advertised, described,  
19 labeled or offered for sale as New Mexico chile; and

20 (2) enter, on a business day during the usual  
21 hours of business, a store, market or other business or place  
22 for the limited purpose of inspecting the establishment's  
23 records related to chile peppers or products containing chile  
24 peppers being advertised, described, labeled or offered for  
25 sale as New Mexico chile or as containing New Mexico chile.

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