

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 300

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

INTRODUCED BY

George K. Munoz

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

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

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 shall 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.

.183979.2

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 4. UNFAIR OR DECEPTIVE TRADE PRACTICE.--A

violation of Section 2 of the New Mexico Chile Advertising Act constitutes an unfair or deceptive trade practice pursuant to the Unfair Practices Act.