

SENATE BILL

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO FOOD; BANNING THE USE OF ASPARTAME IN FOOD  
PRODUCTS.

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

Section 1. [NEW MATERIAL] LEGISLATIVE FINDINGS.--

A. The legislature finds it is imperative for the  
public health, safety and welfare to declare that aspartame, in  
all of its trade names, is a poisonous and deleterious food  
additive due to its neurotoxic and carcinogenic metabolites.

B. The legislature finds federal authorities have  
not intended to or expressed an intention to occupy and preempt  
areas of concern regarding the prohibition of toxic,  
neurotoxic, carcinogenic, poisonous or deleterious food  
additives, and therefore the legislature may prohibit the sale  
of products containing aspartame and similar substances in

.160149.1

underscored material = new  
[bracketed material] = delete

1 order to protect and ensure the public health, safety and  
2 welfare.

3 Section 2. Section 25-2-3 NMSA 1978 (being Laws 1951,  
4 Chapter 169, Section 3) is amended to read:

5 "25-2-3. PROHIBITED ACTS.--The following acts and the  
6 causing thereof within the state [~~of New Mexico~~] are [~~hereby~~]  
7 prohibited:

8 [~~(a)~~] A. the manufacture, sale or delivery or  
9 holding or offering for sale of any food that is adulterated or  
10 misbranded;

11 [~~(b)~~] B. the adulteration or misbranding of any  
12 food;

13 [~~(c)~~] C. the receipt in commerce of any food that  
14 is adulterated or misbranded and the delivery or proffered  
15 delivery [~~thereof~~] of the adulterated or misbranded food for  
16 pay or otherwise;

17 [~~(d)~~] D. the sale, delivery for sale, holding for  
18 sale or offering for sale of any article in violation of  
19 Section [~~12~~] 25-2-12 NMSA 1978;

20 [~~(e)~~] E. the dissemination of any false  
21 advertisement;

22 [~~(f)~~] F. the refusal to permit entry or inspection  
23 or to permit the taking of a sample as authorized by Section  
24 [~~16~~] 25-2-16 NMSA 1978;

25 [~~(g)~~] G. the giving of a guaranty or undertaking,

1 which guaranty or undertaking is false, except by a person who  
2 relied on a guaranty or undertaking to the same effect signed  
3 by and containing the name and address of the person residing  
4 in the state [~~of New Mexico~~] from whom [~~he~~] the person received  
5 the food in good faith;

6 [~~(h)~~] H. the removal or disposal of a detained or  
7 embargoed article in violation of Section [~~6~~] 25-2-6 NMSA 1978;

8 [~~(i)~~] I. the alteration, mutilation, destruction,  
9 obliteration or removal of the whole or any part of the  
10 labeling of, or the doing of any other act with respect to, a  
11 food if [~~such~~] the act is done while [~~such~~] the article is held  
12 for sale and results in [~~such~~] the article being misbranded;

13 [~~(j)~~] J. forging, counterfeiting, simulating or  
14 falsely representing or without proper authority using any  
15 mark, stamp, tag, label or other identification device  
16 authorized or required by [~~regulations~~] rules promulgated under  
17 the provisions of [~~this~~] the New Mexico Food Act; and

18 K. the manufacture, sale or delivery or holding or  
19 offering for sale of any food containing any amount of  
20 aspartame in any of its trade names."

21 Section 3. APPLICABILITY.--The provisions of this act  
22 shall not apply to food products located within the state on  
23 the effective date of this act.

24 Section 4. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is \_\_\_\_\_.