

CHAPTER 19-17 FLOUR AND BREAD STANDARDS

19-17-01. Definitions.

When used in this chapter, unless the context otherwise requires:

1. "Flour" includes and is limited to the foods commonly known in the milling and baking industries as:
 - a. White flour, also known as wheat flour or plain flour;
 - b. Bromated flour;
 - c. Self-rising flour, also known as self-rising white flour or self-rising wheat flour; and
 - d. Phosphated flour, also known as phosphated white flour or phosphated wheat flour,but excludes whole wheat flour and also excludes special flours not used for bread, roll, bun, or biscuit baking, such as specialty, cake, pancake, and pastry flours.
2. "Person" means an individual, a corporation, a limited liability company, a partnership, an association, a joint stock company, a trust, or any group of persons whether incorporated or not, engaged in the commercial manufacture or sale of flour, white bread, or rolls.
3. "Rolls" includes plain white rolls and buns of the semibread dough type, namely soft rolls, such as hamburger rolls, hot dog rolls, parkerhouse rolls, and hard rolls, such as Vienna rolls and kaiser rolls, but does not include yeast-raised sweet rolls or sweet buns made with fillings or coatings, such as cinnamon rolls or buns and butterfly rolls.
4. "White bread" means any bread made with flour whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread.

19-17-02. Flour standards.

It is unlawful for any person to manufacture, mix, compound, sell, or offer for sale, for human consumption in this state, flour unless vitamin and mineral levels are in conformity with the legally established governing interstate shipments of enriched flour. However, the terms of this section do not apply to flour sold to distributors, bakers, or other processors, if the purchaser furnishes to the seller a certificate, in such form as the department shall by regulation prescribe, certifying that such flour will be:

1. Resold to a distributor, baker, or other processor;
2. Used in the manufacture, mixing, or compounding of flour, white bread, or rolls enriched to meet the requirements of this chapter; or
3. Used in the manufacture of products other than flour, white bread, or rolls.

It is unlawful for any such purchaser so furnishing any such certificate to use or resell the flour so purchased in any manner other than as prescribed.

19-17-03. White bread standards.

It is unlawful for any person to manufacture, bake, sell, or offer for sale, for human consumption in this state, any white bread or rolls as defined in section 19-17-01 unless vitamin and mineral levels are in conformity with the legally established governing interstate shipments of enriched flour.

19-17-04. Enforcement.

1. The department shall enforce this chapter and the department may adopt rules, regulations, and orders pursuant to chapter 28-32 for the efficient enforcement of this chapter.
2. Whenever the vitamin and mineral requirements set forth in sections 19-17-02 and 19-17-03 are no longer in conformity with the legally established standards governing the interstate shipments of enriched flour and enriched white bread or enriched rolls, the department, in order to maintain uniformity between intrastate and interstate vitamin and mineral requirements for the foods within the provisions of this chapter,

shall modify or revise such requirements to conform with amended standards governing interstate shipments.

3. In the event of findings by the department that there is an existing or imminent shortage of any ingredient required by sections 19-17-02 and 19-17-03, and that because of such shortage the sale and distribution of flour or white bread or rolls may be impeded by the enforcement of this chapter, the department shall issue an order, to be effective immediately upon issuance, permitting the omission of such ingredients from flour or white bread or rolls, and if the department finds it necessary or appropriate, excepting such foods from labeling requirements until the further order of the department. Any such findings may be made without hearing, on the basis of an order or of factual information supplied by the appropriate federal agency or officer. In the absence of any such order of the appropriate federal agency or factual information supplied by it, the department on the department's own motion may, and upon receiving the sworn statements of ten or more persons subject to this chapter that they believe such a shortage exists or is imminent shall, within twenty days thereafter hold a public hearing with respect thereto at which any interested person may present evidence, and shall make findings based upon the evidence presented. The department shall publish notice of any such hearing at least ten days prior thereto. Whenever the department has reason to believe that such shortage no longer exists, the department shall hold a public hearing, after at least ten days' notice has been given, at which any interested person may present evidence, and the department shall make findings based upon the evidence so presented. If the department's findings be that such shortage no longer exists, the department shall issue an order to become effective not less than thirty days after the publication thereof, revoking such previous order; provided, however, that undisposed floor stocks of flour on hand at the effective date of such revocation order, or flour manufactured prior to such effective date, for sale in this state may thereafter be lawfully sold or disposed of.
4. For the purpose of this chapter, the department is authorized to take samples for analysis and to conduct examinations and investigations, and to enter, at reasonable times, any factory, mill, bakery, warehouse, shop, or establishment where flour, white bread, or rolls are manufactured, processed, packed, sold, or held, or any vehicle being used for the transportation thereof, and to inspect any such place or vehicle and any flour, white bread, or rolls therein, and all pertinent equipment, materials, containers, and labeling.

19-17-05. Penalty. (Effective through August 31, 2022)

Any person who violates any of the provisions of this chapter or the orders, rules, or regulations promulgated by the state department of health under authority thereof, is, unless a specific penalty has been provided, guilty of a class B misdemeanor.

Penalty. (Effective after August 31, 2022)

Any person who violates any of the provisions of this chapter or the orders, rules, or regulations promulgated by the department under authority thereof, is, unless a specific penalty has been provided, guilty of a class B misdemeanor.

19-17-06. Weights of containers for flour, cornmeal, and grits - Penalty.

Repealed by S.L. 1985, ch. 258, § 66.