CHAPTER 31

Rice

**SECTION 39‑31‑10.** Definitions.

 The following definitions shall apply in the interpretation and enforcement of the provisions of this chapter:

 (1) The term “rice” means all types of milled rice as defined in the United States standards for milled rice, Federal Register, May 3, 1951 and May 28, 1952, also “parboiled rice,” “converted rice,” “precooked rice” and “broken rice” which are intended for human consumption;

 (2) The term “bulk rice” means rice as defined in item (1) of this section and sold in bags containing fifty pounds or more or rice, in any size of package, which is insufficiently clean for human use without washing;

 (3) The term “appropriate Federal agency” means the Department of Health, Education and Welfare, or any other Federal agency, charged with the enforcement and administration of the Federal Food, Drug and Cosmetic Act; and

 (4) The term “Commissioner” means the Commissioner of Agriculture of this State.

HISTORY: 1962 Code Section 32‑1561; 1956 (49) 1630.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Constitutional Law Section 28, Other Executive Department Offices‑Statutory Origin.

**SECTION 39‑31‑20.** Required and optional ingredients of rice and bulk rice.

 It shall be unlawful for any person, except as provided in this chapter, to sell, offer for sale or exchange for any services or goods in this State any rice or bulk rice which does not conform with the following provisions:

 (1) Each pound of rice or bulk rice shall contain not less than two milligrams of vitamin B‑1 (thiamine), not less than sixteen milligrams of niacin or niacin amide, and not less than thirteen milligrams of iron; and

 (2) Each pound of rice or bulk rice may contain either or both of the following optional ingredients

 (a) not less than five hundred milligrams of calcium and

 (b) not less than one and two‑tenths milligrams of riboflavin;

 Provided , that the Commissioner may change the specifications of either the required or the optional ingredients and amounts thereof as provided in Section 39‑31‑100.

HISTORY: 1962 Code Section 32‑1562; 1956 (49) 1630.

**SECTION 39‑31‑30.** Methods of enrichment.

 The enrichment of rice or bulk rice may be accomplished by undermilling, treatment of the unhusked rice by such processes known as parboiling and conversion, addition of U. S. P. pure vitamins, addition of harmless and assimilable iron and calcium salts or by any combination of methods which produce enriched rice which meets the standards defined in this chapter. The use of harmless edible carriers and preservatives is permitted in only such amounts as needed for efficient marketing.

HISTORY: 1962 Code Section 32‑1563; 1956 (49) 1630.

**SECTION 39‑31‑40.** Amount of vitamins required to be in bulk rice after rinsing; rinsing test for bulk rice.

 Each pound of bulk rice shall contain after rinsing at least eighty‑five per cent of the thiamine, niacin and iron required in Section 39‑31‑20. Rinsing for the purposes of enforcement shall be as follows: Transfer one hundred grams of the milled rice to a two‑liter Erlenmeyer flask containing one liter of water at twenty‑five degrees centigrade. Stopper the flask and rotate it for exactly one‑half minute so that the kernels are kept in motion. Allow the kernels to settle for one‑half minute, then pour off eight hundred and fifty milliliters of the water along with any floating or suspended matter. Enrichment ingredients are then determined on the wet rice and water remaining in the flask and are calculated on the basis of the rice before washing.

HISTORY: 1962 Code Section 32‑1564; 1956 (49) 1630.

**SECTION 39‑31‑50.** Clean rice shall not be subject to rinsing test for bulk rice.

 Each pound of rice shall be sufficiently clean so that rinsing before cooking is unnecessary, according to the judgment of the Commissioner. Rice meeting this standard of cleanliness and in packages of less than fifty pounds is permitted but not required to meet the rinsing test described in Section 39‑31‑40 for bulk rice. Rice not meeting this standard of cleanliness shall be adjudged to be bulk rice and subject to such rinsing test.

HISTORY: 1962 Code Section 32‑1565; 1956 (49) 1630.

CROSS REFERENCES

Enriched rice, classification, see S.C. Code of Regulations R. 5‑260.

**SECTION 39‑31‑60.** Labeling of rice sold in State.

 It shall be unlawful for any person, except as provided in this chapter, to sell, offer for sale or exchange for any services or goods, in this State any rice or bulk rice which is not labeled in accordance with such requirements as may be prescribed by the Commissioner as provided in Section 39‑31‑100.

 All containers of rice offered for sale for human consumption shall be conspicuously labeled “Do not rinse before or drain after cooking.”

 All containers of bulk rice offered for sale for human consumption shall be conspicuously labeled “Do not drain after cooking.”

HISTORY: 1962 Code Section 32‑1566; 1956 (49) 1630.

LIBRARY REFERENCES

36A C.J.S., Food Section 12(8).

**SECTION 39‑31‑70.** Exemptions.

 This chapter does not apply to the delivery by a miller to a rice producer of rice or bulk rice milled by the miller from the producer’s rice for use in the producer’s own home when the miller is paid in rice or bulk rice for the milling service. However, if the producer desires the health benefits for his family and requests enrichment, the miller shall enrich according to the standards mentioned in this chapter.

 This chapter does not apply to the sale of rice or bulk rice if the purchaser furnishes to the seller a certificate, in a form the commissioner by regulation prescribes, certifying that he will use the rice or bulk rice solely in the production of rice or bulk rice enriched as required by this chapter or other legitimate products not covered by this chapter.

 This chapter does not apply to the sale of rice or bulk rice that has not been enriched according to the standards provided in this chapter if it meets the labeling and sanitation requirements prescribed in regulations promulgated by the commissioner.

HISTORY: 1962 Code Section 32‑1567; 1956 (49) 1630; 1987 Act No. 187 Section 4, eff June 30, 1987.

Effect of Amendment

The 1987 amendment added a paragraph exempting the sale of rice or bulk rice under certain conditions from requirements of this chapter.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 21, Rice.

**SECTION 39‑31‑80.** Seizure of nonconforming rice and bulk rice; release upon compliance with chapter.

 Whenever the Commissioner has probable cause to believe that any rice or bulk rice has been sold or offered for sale or exchange in violation of any of the provisions of this chapter, he may seize and affix to such product a notice to that effect detaining the product and warning all persons not to dispose of it by sale or otherwise without his permission. It shall be a violation of this chapter, subject to the penalties set forth in Section 39‑31‑120, for any person to dispose of such product by sale or otherwise without such permission. The Commissioner may, in his discretion, release the rice or bulk rice for feed or brewing purposes or for shipment out of the State or for human consumption, if brought into compliance with this chapter and upon payment of all costs or expenses incurred in any proceeding connected with such seizure and withdrawal.

HISTORY: 1962 Code Section 32‑1568; 1956 (49) 1630.

CROSS REFERENCES

Authority of Commissioner of Agriculture to release certain items from restraining orders, see Section 46‑3‑230.

LIBRARY REFERENCES

36A C.J.S., Food Sections 50‑56.

**SECTION 39‑31‑90.** Inspection of premises and vehicles.

 The Commissioner may enter upon any business premises or vehicles where rice may be found, for the purpose of enforcing this chapter, and to take samples of and inspect and analyze rice or bulk rice which are offered for sale or which have been sold or exchanged for services or goods.

HISTORY: 1962 Code Section 32‑1569; 1956 (49) 1630.

LIBRARY REFERENCES

36A C.J.S., Food Section 12(7).

**SECTION 39‑31‑100.** Enforcement; promulgation of rules and regulations.

 This chapter shall be enforced by the Commissioner, who may make rules and regulations for carrying out the provisions thereof. The Commissioner may adopt by regulation such regulations, in conformity with the primary objectives of this chapter, as have been or may be adopted by the appropriate Federal agency under the Federal Food, Drug and Cosmetic Act, prescribing with respect to rice:

 (1) The vitamins and minerals and the amounts thereof required or permitted to be contained therein;

 (2) The manner of enrichment with vitamins and minerals;

 (3) Methods of testing to determine conformance with the provisions of law;

 (4) Labeling requirements; and

 (5) Sanitation requirements.

HISTORY: 1962 Code Section 32‑1570; 1956 (49) 1630.

CROSS REFERENCES

Rules and regulations promulgated under authority of this section, see Rules and Regulations, Agriculture Commissioner R. 5‑1 et seq.

LIBRARY REFERENCES

36A C.J.S., Food Sections 39 et seq.

**SECTION 39‑31‑110.** Commissioner may act through officers or employees.

 The authority vested in the Commissioner by this chapter may be exercised by him through such officers or employees of the Department of Agriculture of this State as he may designate.

HISTORY: 1962 Code Section 32‑1571; 1956 (49) 1630.

**SECTION 39‑31‑120.** Penalties.

 Any person found guilty of violating any provision of Sections 39‑31‑20 to 39‑31‑60 and 39‑31‑80 or any rule or regulation made by authority of this chapter shall be subject for each and every offense to imprisonment not exceeding thirty days or a fine of not more than one hundred dollars.

HISTORY: 1962 Code Section 32‑1572; 1956 (49) 1630.

LIBRARY REFERENCES

36A C.J.S., Food Section 49.