

Senate File 2391

S-5023

1 Amend Senate File 2391 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. NEW SECTION. 135.16C Federal nutrition  
5 programs — cultivated-protein food products.

6 1. As used in this section, unless the context otherwise  
7 requires:

8 a. "*Cultivated-protein food product*" means the same as  
9 defined in section 137E.1.

10 b. "*Federal nutrition program*" or "*program*" means any of the  
11 following:

12 (1) The special supplemental nutrition program for women,  
13 infants, and children as provided in 42 U.S.C. §1786 et seq.

14 (2) The supplemental nutrition assistance program as  
15 provided in 7 U.S.C. ch. 51.

16 2. If the United States department of agriculture approves  
17 cultivated-protein food products for purchase under a federal  
18 nutrition program, the department of health and human services  
19 shall submit a request to the United States department of  
20 agriculture for a waiver or other exception that excludes  
21 cultivated-protein food products from program eligibility in  
22 this state.

23 Sec. 2. NEW SECTION. 137E.1 Definitions.

24 As used in this chapter, unless the context otherwise  
25 requires:

26 1. "*Agricultural food animal*" means a domesticated animal  
27 belonging to the bovine, caprine, ovine, or porcine species; or  
28 live domestic fowl limited to chickens or turkeys.

29 2. "*Cultivated-protein food product*" means a food product  
30 having one or more sensory attributes that resemble a type  
31 of tissue originating from an agricultural food animal but  
32 that, in lieu of being derived from meat processing, is derived  
33 from manufacturing cells, in which one or more stem cells are  
34 initially isolated from an agricultural food animal, are grown  
35 in vitro, and may be manipulated, as part of a manufacturing

1 operation.

2 3. "*Department*" means the department of inspections,  
3 appeals, and licensing.

4 4. "*Food processing plant*" means the same as defined in  
5 section 137F.1.

6 5. "*Food product*" means a perishable or nonperishable item  
7 stored in a container or package, if the item is fit for human  
8 consumption.

9 6. a. "*Identifying meat term*" means any word or phrase  
10 that states, indicates, suggests, or describes a meat product,  
11 regardless of whether the word or phrase is used individually,  
12 as a portmanteau, or as a compound word.

13 b. "*Identifying meat term*" includes but is not limited to  
14 any of the following:

15 (1) (a) A common name for the species of the agricultural  
16 food animal subject to slaughter and processing, including a  
17 calf or cow, chicken, goat or kid, hog or pig, poultry, lamb or  
18 sheep, or turkey.

19 (b) A common name for a characteristic of a species of the  
20 agricultural food animal subject to slaughter and processing  
21 based on age, breed, or sex.

22 (2) (a) Meat.

23 (b) Beef or veal; broiler, fryer, poulet, or yearling;  
24 cabrito or chevon; lamb or mutton; or pork.

25 (c) A common name used to describe a major cut of a meat  
26 of an agricultural food animal slaughtered and processed,  
27 including a major meat cut specified in 9 C.F.R. §317.344;  
28 a poultry product such as breast, drumstick, giblet, thigh,  
29 or wing; or the common name of an organ or offal, including  
30 gizzard, heart, liver, kidney, or tongue.

31 (d) Any other common name that a reasonable purchaser would  
32 immediately and exclusively associate with a meat product  
33 prepared for sale in normal commercial channels such as bacon,  
34 baloney, bologna, bone, brat or bratwurst, brisket, burger  
35 or hamburger, butt, chop, chuck, cold cut, cutlet, filet,

1 flat iron, frank or frankfurter, ham, hock, hot dog, jerky,  
2 liverwurst, loin, London broil, lunch meat, New York strip,  
3 pepperoni, porterhouse, ribeye, roast, rib or sparerib, salami,  
4 sausage, shank, sirloin, tenderloin, or a comparable word or  
5 phrase as approved by the department.

6 7. "*Insect-protein food product*" means a food product having  
7 one or more sensory attributes that resemble a type of tissue  
8 originating from an agricultural food animal but that, in  
9 lieu of being derived from meat processing, is derived from  
10 manufacturing insect parts.

11 8. "*Label*" means a display of written, printed, or graphic  
12 matter placed upon any container storing a food product that  
13 is offered for sale or sold on a wholesale or retail basis,  
14 regardless of whether the label is printed on the container's  
15 packaging or a sticker affixed to the container.

16 9. "*Manufactured-protein food product*" means a  
17 cultivated-protein food product, insect-protein food product,  
18 or plant-protein food product.

19 10. "*Meat processing*" means the handling, preparation, and  
20 slaughter of an agricultural food animal; the dressing of its  
21 carcass; or the cutting, storage, and packaging of its tissue  
22 or other parts as a food product.

23 11. "*Meat product*" means a food product derived from meat  
24 processing.

25 12. "*Plant-protein food product*" means a food product having  
26 one or more sensory attributes that resemble a type of tissue  
27 found in a species of agricultural food animal but that, in  
28 lieu of being derived from meat processing, is derived from  
29 manufacturing plant parts.

30 13. a. "*Qualifying term*" means a word, compound word, or  
31 phrase that would clearly disclose to a reasonable purchaser of  
32 meat products from a food processing plant that a food product  
33 is not a meat product.

34 b. "*Qualifying term*" includes but is not limited to  
35 cell-cultivated, cell-cultured, fake, grown in a lab,

1 imitation, insect, insect-based, insect-protein, lab-created,  
2 lab-grown, meat free, meatless, plant, plant-based, vegan,  
3 vegetable, vegetarian, veggie, or a comparable word or phrase  
4 as approved by the department.

5 14. *“Regulatory authority”* means the same as defined in  
6 section 137F.1.

7 Sec. 3. NEW SECTION. 137E.2 Administration.

8 1. In conducting a routine inspection of the premises of a  
9 food processing plant licensed under chapter 137F, a regulatory  
10 authority is not required to determine if any food product  
11 located on the premises is misbranded as a meat product as  
12 provided in section 137E.3.

13 2. A regulatory authority shall inspect an inventory of  
14 food products offered for sale or sold at a food processing  
15 plant based on a credible complaint that the food products are  
16 misbranded as meat products as provided in section 137E.3.

17 3. A regulatory authority shall have the same powers to  
18 inspect a food processing plant under this chapter as it does  
19 under chapter 137F.

20 4. The department shall adopt rules pursuant to chapter 17A  
21 that are necessary or desirable to administer and enforce this  
22 chapter.

23 Sec. 4. NEW SECTION. 137E.3 Misbranded food product.

24 A food product is misbranded as a meat product if all of the  
25 following apply:

26 1. The food product is a manufactured-protein food product  
27 or the food product contains a manufactured-protein food  
28 product.

29 2. The food product is offered for sale or sold by a food  
30 processing plant.

31 3. a. A label that is part of or placed on the package  
32 or other container storing the food product includes an  
33 identifying meat term.

34 b. Paragraph “a” does not apply if the label contains a  
35 conspicuous and prominent qualifying term in close proximity to

1 an identifying meat term.

2 Sec. 5. NEW SECTION. 137E.4 Prohibition — sale.

3 A food processing plant shall not offer for sale or sell a  
4 food product that is misbranded as a meat product as provided  
5 in section 137E.3.

6 Sec. 6. NEW SECTION. 137E.5 Enforcement — stop order.

7 1. If a regulatory authority has reasonable cause to believe  
8 that a food processing plant is offering for sale or selling a  
9 food product that is misbranded as a meat product in violation  
10 of section 137E.4, the regulatory authority may issue a stop  
11 order. Upon being issued the stop order, the food processing  
12 plant shall not offer for sale or sell the food product until  
13 the regulatory authority determines that the food product is or  
14 is not misbranded as a meat product.

15 2. The regulatory authority may require that the food  
16 product be held by the food processing plant and be secured  
17 from purchase.

18 3. If a regulatory authority determines that the food  
19 product being offered for sale or sold by a food processing  
20 plant is misbranded as a meat product, the regulatory authority  
21 may issue an embargo order requiring the food processing plant  
22 to dispose of the misbranded meat product other than by sale to  
23 purchasers in this state.

24 4. The department, the attorney general, or the county  
25 attorney in the county where the food product is being offered  
26 for sale or sold may enforce the stop order or embargo order by  
27 petitioning the district court of that county.

28 Sec. 7. NEW SECTION. 137E.6 Violation — misbranding —  
29 civil penalty.

30 1. A food processing plant shall not misbrand a food product  
31 as a meat product as provided in section 137E.3 as determined  
32 by the department.

33 2. A food processing plant violating subsection 1 is subject  
34 to a civil penalty of not more than five hundred dollars, not  
35 to exceed ten thousand dollars total for violations arising

1 out of the same transaction or occurrence. Each day that a  
2 violation continues constitutes a separate offense.

3 3. The department shall impose the civil penalty provided  
4 in subsection 2. A food processing plant may contest the  
5 imposition of the civil penalty by initiating a contested case  
6 proceeding pursuant to chapter 17A.

7 4. Civil penalties collected under this section shall be  
8 deposited in the general fund of the state.

9 Sec. 8. Section 137F.3A, subsection 1, paragraph a,  
10 unnumbered paragraph 1, Code 2024, is amended to read as  
11 follows:

12 The department may employ additional full-time equivalent  
13 positions to enforce the provisions of [this chapter](#) and  
14 chapters [137C](#), [and 137D](#), [and 137E](#) with the approval of the  
15 department of management, if either of the following apply:

16 Sec. 9. Section 137F.3A, subsection 1, paragraph b, Code  
17 2024, is amended to read as follows:

18 *b.* Before approval may be given, the director of the  
19 department of management must have determined that the expenses  
20 exceed the funds budgeted by the general assembly for food  
21 inspections to the department. The department may hire no more  
22 than one full-time equivalent position for each six hundred  
23 inspections required pursuant to [this chapter](#) and chapters  
24 [137C](#), [and 137D](#), [and 137E](#).

25 Sec. 10. Section 137F.4, Code 2024, is amended to read as  
26 follows:

27 **137F.4 License required.**

28 1. A person shall not operate a food establishment or food  
29 processing plant to provide goods or services to the general  
30 public, or open a food establishment to the general public,  
31 until the appropriate license has been obtained from the  
32 regulatory authority. Sale of products at wholesale to outlets  
33 not owned by a commissary owner requires a food processing  
34 plant license. A license shall expire one year from the date  
35 of issue. A license is renewable if application for renewal is

1 made prior to expiration of the license or within sixty days  
2 of the expiration date of the license. All licenses issued  
3 under this chapter that are not renewed by the licensee on or  
4 before the expiration date shall be subject to a penalty of ten  
5 percent per month of the license fee if the license is renewed  
6 at a later date.

7 2. A regulatory authority shall not suspend or revoke a  
8 license issued to a food processing plant under this chapter  
9 for offering for sale or selling a food product that is  
10 misbranded as a meat product in violation of section 137E.4.

11 3. A license issued to a food processing plant under this  
12 section also covers the operation of a food processing plant  
13 under chapter 137E.

14 Sec. 11. NEW SECTION. 260C.10 Purchases — meat products.

15 The board of directors providing services to a merged area,  
16 and the board of directors of a community college, shall  
17 establish policies to prevent the purchase of a food product  
18 that is any of the following:

19 1. Misbranded as a meat product as prohibited in chapter  
20 137E.

21 2. A cultivated-protein food product as defined in section  
22 137E.1.

23 Sec. 12. NEW SECTION. 262.25D Purchases — meat products.

24 The state board of regents, and institutions under the  
25 control of the board, shall establish policies to prevent the  
26 purchase of a food product that is any of the following:

27 1. Misbranded as a meat product as prohibited in chapter  
28 137E.

29 2. A cultivated-protein food product as defined in section  
30 137E.1.

31 Sec. 13. NEW SECTION. 283A.12 Purchases — meat products.

32 The department of education, and school boards, shall  
33 establish policies to prevent the purchase of a food product  
34 that is any of the following:

35 1. Misbranded as a meat product as prohibited in chapter

1 137E.

2 2. A cultivated-protein food product as defined in section

3 137E.1.>

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