

House Amendment to
Senate File 2391

S-5120

1 Amend Senate File 2391, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I

5 MEAT PRODUCTS — MISCELLANEOUS>

6 2. Page 4, line 23, after <1.> by inserting <a.>

7 3. Page 4, line 23, by striking <The> and inserting <Except
8 as provided in paragraph "b", the>

9 4. Page 4, after line 25 by inserting:

10 <b. The food product is not misbranded as a meat product
11 only because it contains a trace amount of one or more
12 plant-protein food products as determined by the department.>

13 5. Page 6, line 11, after <chapters> by inserting <137A,>

14 6. Page 6, line 20, after <chapters> by inserting <137A,>

15 7. Page 7, after line 35 by inserting:

16 <DIVISION ____

17 EGG PRODUCTS

18 PART A

19 MISBRANDING OF EGG PRODUCTS

20 Sec. ____ . NEW SECTION. 137A.1 **Definitions.**

21 As used in this chapter, unless the context otherwise
22 requires:

23 1. "Department" means the department of inspections,
24 appeals, and licensing.

25 2. a. "Egg" means a food product that is the reproductive
26 output of an agricultural food animal classified as a chicken.

27 b. "Egg" includes albumen and yolk encased in a
28 calcium-based shell.

29 3. "Egg processing" means the processing of eggs that may
30 include any of the following:

31 a. The handling, preparation, and packaging of whole shelled
32 or unshelled eggs.

33 b. The handling, preparation, heating, and packaging of
34 whole shelled or unshelled eggs.

35 c. The breaking of eggs and the separation of eggs;

1 pasteurization; filtering, mixing, stabilizing, or blending
2 parts of the egg; any cooling, freezing, or drying of parts of
3 the egg; storage; and packaging.

4 4. "*Egg product*" means a food product derived from
5 egg processing in which eggs or egg parts are the primary
6 ingredient.

7 5. "*Fabricated-egg product*" means a food product, if it has
8 one or more sensory attributes that resemble an egg product
9 but that, in lieu of being the output of a chicken commonly
10 referred to as a laying hen, is derived from manufactured
11 plants or other organic materials.

12 6. a. "*Identifying egg term*" means any word or phrase
13 that states, indicates, suggests, or describes an egg product,
14 regardless of whether the word or phrase is used individually,
15 as a portmanteau, or as a compound word.

16 b. "*Identifying egg term*" includes but is not limited to any
17 of the following:

18 (1) (a) A common name for a type of a chicken, including
19 laying hen, hen, or layer, cage-free, poultry, or fowl.

20 (b) A common name for a characteristic of a chicken based
21 on age, breed, or sex.

22 (2) Any part of the egg, including its egg, eggshell, egg
23 white, or yolk.

24 (3) (a) A common name that a reasonable purchaser would
25 immediately and exclusively associate with an egg product
26 prepared for sale in normal commercial channels such as
27 custard, eggnog, frittata, huevos rancheros, omelette,
28 mayonnaise, meringue, sunny side up, over easy, over hard,
29 scrambled, or quiche.

30 (b) A comparable word or phrase as approved by the
31 department.

32 7. "*Label*" means a display of written, printed, or graphic
33 matter placed upon any container storing a food product that
34 is offered for sale or sold on a wholesale or retail basis,
35 regardless of whether the label is printed on the container's

1 packaging or a sticker affixed to the container.

2 8. a. *“Qualifying term”* means a word, compound word, or
3 phrase that would clearly disclose to a reasonable purchaser of
4 egg products from a food processing plant that a food product
5 is not an egg product.

6 b. *“Qualifying term”* includes but is not limited to fake,
7 imitation, egg-free, plant, plant-based, vegan, vegetable,
8 vegetarian, veggie, or a comparable word or phrase as approved
9 by the department.

10 9. *“Regulatory authority”* means the same as defined in
11 section 137F.1.

12 Sec. ____ . NEW SECTION. 137A.2 Administration.

13 1. In conducting a routine inspection of the premises of a
14 food processing plant licensed under chapter 137F, a regulatory
15 authority is not required to determine if any food product
16 located on the premises is misbranded as an egg product as
17 provided in section 137A.3.

18 2. A regulatory authority shall inspect an inventory of
19 food products offered for sale or sold at a food processing
20 plant based on a credible complaint that the food products are
21 misbranded as egg products as provided in section 137A.3.

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

25 4. The department shall adopt rules pursuant to chapter 17A
26 that are necessary or desirable to administer and enforce this
27 chapter.

28 Sec. ____ . NEW SECTION. 137A.3 Misbranded food product.

29 A food product is misbranded as an egg product if all of the
30 following apply:

31 1. The food product is a fabricated-egg product or the food
32 product contains a fabricated-egg product.

33 2. The food product is offered for sale or sold by a food
34 processing plant.

35 3. a. A label that is part of or placed on the package

1 or other container storing the food product includes an
2 identifying egg term.

3 *b.* Paragraph "a" does not apply if the label contains a
4 conspicuous and prominent qualifying term in close proximity to
5 an identifying egg term.

6 Sec. _____. NEW SECTION. 137A.4 **Prohibition — sale.**

7 A food processing plant shall not offer for sale or sell a
8 food product that is misbranded as an egg product as provided
9 in section 137A.3.

10 Sec. _____. NEW SECTION. 137A.5 **Enforcement — stop order.**

11 1. If a regulatory authority has reasonable cause to believe
12 that a food processing plant is offering for sale or selling a
13 food product that is misbranded as an egg product in violation
14 of section 137A.4, the regulatory authority may issue a stop
15 order. Upon being issued the stop order, the food processing
16 plant shall not offer for sale or sell the food product until
17 the regulatory authority determines that the food product is or
18 is not misbranded as an egg product.

19 2. The regulatory authority may require that the food
20 product be held by the food processing plant and be secured
21 from purchase.

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

28 4. The department, the attorney general, or the county
29 attorney in the county where the food product is being offered
30 for sale or sold may enforce the stop order or embargo order by
31 petitioning the district court of that county.

32 Sec. _____. NEW SECTION. 137A.6 **Violation — misbranding —
33 civil penalty.**

34 1. A food processing plant shall not misbrand a food product
35 as an egg product as provided in section 137A.3 as determined

1 by the department.

2 2. A food processing plant violating subsection 1 is subject
3 to a civil penalty of not more than five hundred dollars, not
4 to exceed ten thousand dollars total for violations arising
5 out of the same transaction or occurrence. Each day that a
6 violation continues constitutes a separate offense.

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

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

13 Sec. _____. NEW SECTION. 137F.4A **Egg products.**

14 1. A regulatory authority shall not suspend or revoke a
15 license issued to a food processing plant under this chapter
16 for offering for sale or selling a food product that is
17 misbranded as an egg product in violation of section 137A.4.

18 2. A license issued to a food processing plant under section
19 137F.4 also covers the operation of a food processing plant
20 under chapter 137A.

21 PART B

22 FEDERAL PROGRAM PURCHASING RESTRICTIONS

23 Sec. _____. NEW SECTION. 135.16D **Federal nutrition programs**
24 **— fabricated-egg products.**

25 1. As used in this section, unless the context otherwise
26 requires:

27 a. "*Fabricated-egg product*" means the same as defined in
28 section 137A.1.

29 b. "*Federal nutrition program*" or "*program*" means any of the
30 following:

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

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

35 2. If the United States department of agriculture approves

1 fabricated-egg products for purchase under a federal nutrition
2 program, the department of health and human services shall
3 submit a request to the United States department of agriculture
4 for a waiver or other exception that excludes fabricated-egg
5 products from program eligibility in this state.

6 PART C

7 STATE PURCHASING RESTRICTIONS

8 Sec. _____. NEW SECTION. **260C.10A Purchases — egg products.**

9 The board of directors providing services to a merged area,
10 and the board of directors of a community college, shall
11 establish policies to prevent the purchase of a food product
12 that is misbranded as an egg product as prohibited in chapter
13 137A.

14 Sec. _____. NEW SECTION. **262.25E Purchases — egg products.**

15 The state board of regents, and institutions under the
16 control of the board, shall establish policies to prevent the
17 purchase of a food product that is misbranded as an egg product
18 as prohibited in chapter 137A.

19 Sec. _____. NEW SECTION. **283A.13 Purchases — egg products.**

20 The department of education, and school boards, shall
21 establish policies to prevent the purchase of a food product
22 that is misbranded as an egg product as prohibited in chapter
23 137A.>

24 8. By renumbering as necessary.