

Senate File 2391 - Introduced

SENATE FILE 2391
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3162)

A BILL FOR

1 An Act prohibiting the misbranding of certain food products,
2 and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.16C Vendors participating in
2 federal nutrition program — meat product sales.

3 1. As used in this section, unless the context otherwise
4 requires:

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

7 b. "*Federal nutrition program*" means the special
8 supplemental nutrition program for women, infants, and children
9 as provided in 42 U.S.C. §1786 et seq.

10 c. "*Grocery store*" means the same as defined in section
11 137E.1.

12 d. "*Meat product*" means the same as defined in section
13 137E.1.

14 2. a. The department of inspections, appeals, and licensing
15 shall assist the department of health and human services in
16 adopting rules necessary to implement and administer this
17 section.

18 b. If necessary to implement, administer, and enforce
19 this section, the department of health and human services,
20 in cooperation with the department of agriculture and land
21 stewardship, shall submit a request to the United States
22 department of agriculture for a waiver or other exception from
23 regulations as deemed feasible by the department of health and
24 human services. The department of health and human services
25 shall regularly report the status of such a request to the
26 legislative services agency.

27 3. A grocery store that is a vendor participating in a
28 federal nutrition program and offering to sell or selling meat
29 products for retail sale shall not offer for sale or sell a
30 food product that is any of the following:

31 a. Misbranded as a meat product as prohibited in section
32 137E.4.

33 b. A cultivated-protein food product.

34 4. A violation of subsection 3 by a grocery store shall not
35 be construed to disqualify a grocery store from participating

1 in a federal nutrition program unless otherwise authorized by
2 the United States department of agriculture.

3 Sec. 2. NEW SECTION. 137E.1 **Definitions.**

4 As used in this chapter, unless the context otherwise
5 requires:

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

9 2. "*Cultivated-protein food product*" means a food product
10 having one or more sensory attributes that resemble a type
11 of tissue originating from an agricultural food animal but
12 that, in lieu of being derived from meat processing, is derived
13 from manufacturing cells, in which one or more stem cells are
14 initially isolated from an agricultural food animal, are grown
15 in vitro, and may be manipulated, as part of a manufacturing
16 operation.

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

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

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

24 6. "*Grocery store*" means a food establishment required to be
25 licensed by a regulatory authority pursuant to section 137F.4
26 to offer for sale or sell food or food products to customers
27 intended for preparation or consumption off premises.

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

33 8. "*Label*" means a display of written, printed, or graphic
34 matter placed upon any container storing a food product that
35 is offered for sale or sold on a wholesale or retail basis,

1 regardless of whether the label is printed on the container's
2 packaging or a sticker affixed to the container.

3 9. "*Manufactured-protein food product*" means a
4 cultivated-protein food product, insect-protein food product,
5 or plant-protein food product.

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

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

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

17 13. "*Regulatory authority*" means the same as defined in
18 section 137F.1.

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

20 1. In conducting a routine inspection of the premises of a
21 person licensed under chapter 137F, a regulatory authority is
22 not required to determine if any food product located on the
23 premises is misbranded as a meat product as provided in section
24 137E.4.

25 2. A regulatory authority shall inspect an inventory of food
26 products offered for sale or sold at a food processing plant
27 or grocery store based on a credible complaint that the food
28 products are misbranded as meat products as provided in section
29 137E.4.

30 3. A regulatory authority shall have the same powers to
31 inspect a food processing plant or grocery store under this
32 chapter as it does under chapter 137F.

33 4. The department shall adopt rules pursuant to chapter 17A
34 that are necessary or desirable to administer and enforce this
35 chapter.

1 Sec. 4. NEW SECTION. 137E.3 **Offense.**

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

4 Sec. 5. NEW SECTION. 137E.4 **Misbranded meat product.**

5 A food product is misbranded as a meat product if all of the
6 following apply:

7 1. The food product is a manufactured-protein food product
8 or the food product contains a manufactured-protein food
9 product.

10 2. The food product is offered for sale or sold on a
11 wholesale or retail basis.

12 3. *a.* A label that is part of or placed on the package
13 or other container storing a food product includes any of
14 the following identifying terms whether used alone or as a
15 portmanteau:

16 (1) Beef.

17 (2) Chicken.

18 (3) Goat.

19 (4) Lamb or sheep.

20 (5) Pork.

21 (6) Turkey.

22 *b.* Paragraph "a" does not apply to a label that
23 conspicuously qualifies an identifying term as an imitation or
24 substitute.

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

26 1. If a regulatory authority has reasonable cause to believe
27 that a food processing plant or grocery store is offering for
28 sale or selling a food product that is misbranded as a meat
29 product, the regulatory authority may issue a stop order. Upon
30 being issued the stop order, the food processing plant or
31 grocery store shall not offer for sale or sell the food product
32 until the regulatory authority determines that the food product
33 is or is not misbranded as a meat product.

34 2. The regulatory authority may require that the food
35 product be held by the food processing plant or grocery store

1 and be secured from purchase.

2 3. If a regulatory authority determines that food product
3 being offered for sale or sold by a food processing plant or
4 grocery store is misbranded as a meat product, the regulatory
5 authority may issue an embargo order requiring the food
6 processing plant or grocery store to dispose of the misbranded
7 meat product other than by sale to consumers in this state.

8 4. The department, the attorney general, or the county
9 attorney in the county where the food product is being offered
10 for sale or sold may enforce the stop order or embargo order by
11 petitioning the district court of that county.

12 Sec. 7. NEW SECTION. **137E.6 Penalty.**

13 A person who willfully misbrands a food product in violation
14 of this chapter commits a simple misdemeanor.

15 Sec. 8. Section 137F.3A, subsection 1, paragraph a,
16 unnumbered paragraph 1, Code 2024, is amended to read as
17 follows:

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

22 Sec. 9. Section 137F.3A, subsection 1, paragraph b, Code
23 2024, is amended to read as follows:

24 *b.* Before approval may be given, the director of the
25 department of management must have determined that the expenses
26 exceed the funds budgeted by the general assembly for food
27 inspections to the department. The department may hire no more
28 than one full-time equivalent position for each six hundred
29 inspections required pursuant to [this chapter](#) and chapters
30 [137C](#), [and 137D](#), [and 137E](#).

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

33 **137F.4 License required.**

34 1. A person shall not operate a food establishment or food
35 processing plant to provide goods or services to the general

1 public, or open a food establishment to the general public,
2 until the appropriate license has been obtained from the
3 regulatory authority. Sale of products at wholesale to outlets
4 not owned by a commissary owner requires a food processing
5 plant license. A license shall expire one year from the date
6 of issue. A license is renewable if application for renewal is
7 made prior to expiration of the license or within sixty days
8 of the expiration date of the license. All licenses issued
9 under **this chapter** that are not renewed by the licensee on or
10 before the expiration date shall be subject to a penalty of ten
11 percent per month of the license fee if the license is renewed
12 at a later date.

13 2. A regulatory authority shall not suspend or revoke a
14 license issued to a person under this chapter for offering for
15 sale or selling a food product that is misbranded as a meat
16 product in violation of section 137E.4.

17 3. A license issued to a food processing plant or grocery
18 store under this section also covers the operation of a food
19 processing plant or grocery store under chapter 137E.

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

21 The board of directors providing services to a merged area,
22 and the board of directors of a community college, shall
23 establish policies to prevent the purchase of a food product
24 that is any of the following:

25 1. Misbranded as a meat product as prohibited in chapter
26 137E.

27 2. A cultivated-protein food product as defined in section
28 137E.1.

29 Sec. 12. Section 262.9, Code 2024, is amended by adding the
30 following new subsection:

31 **NEW SUBSECTION. 39.** Act together with institutions under
32 the control of the board to establish policies prohibiting
33 research into the production, distribution, or use of
34 manufactured-protein food products as defined in section
35 137E.1, to the extent that such research is supported by public

1 moneys.

2 Sec. 13. NEW SECTION. **262.25D Purchases — meat products.**

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

6 1. Misbranded as a meat product as prohibited in chapter
7 137E.

8 2. A cultivated-protein food product as defined in section
9 137E.1.

10 Sec. 14. NEW SECTION. **283A.12 Purchases — meat products.**

11 The department of education, and school boards, shall
12 establish policies to prevent the purchase of a food product
13 that is any of the following:

14 1. Misbranded as a meat product as prohibited in chapter
15 137E.

16 2. A cultivated-protein food product as defined in section
17 137E.1.

18 **EXPLANATION**

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 **GENERAL.** This bill prohibits the purchase and sale of
22 certain food products that are manufactured to resemble
23 meat products but that are not derived from the processing
24 (slaughter) of domesticated agricultural food animals,
25 specifically cattle and bison, goats, sheep and lambs, swine,
26 chickens, and turkeys. A manufactured-protein food product
27 is formulated as a cultivated-protein food product, or either
28 an insect-protein food product or plant-protein food product.
29 In all three cases, the food product has one or more sensory
30 attributes that resemble a type of tissue originating from a
31 species of food animal but that, in lieu of being derived from
32 slaughter, is derived from manufacturing cells grown in vitro,
33 meaning outside the food animal's body, or that is derived from
34 manufacturing parts of insects or plants (new Code chapter
35 137E).

1 BACKGROUND — INSPECTION REGULATIONS (DEPARTMENT OF
2 INSPECTIONS, APPEALS, AND LICENSING). Certain provisions of
3 the bill apply to food processing plants and grocery stores
4 regulated by the department of inspections, appeals, and
5 licensing (DIAL) or a political subdivision (a municipal
6 corporation) acting under contract with DIAL (Code section
7 137F.3). Both government entities are referred to as a
8 regulatory authority. The bill applies to two businesses
9 regulated by DIAL, a food processing plant and a grocery store
10 (licensee). A food processing plant manufactures, packages,
11 labels, or stores food for human consumption but does not
12 provide a food product directly to a consumer. However, a
13 number of businesses are excluded from the definition including
14 a food establishment (amended Code section 137F.1). A grocery
15 store is a type of food establishment that offers to sell or
16 sells food products to customers intended for preparation or
17 consumption off premises (Code section 137E.1). A regulatory
18 authority licenses and inspects both businesses for health and
19 safety purposes.

20 BILL'S PROVISIONS — LABELING REQUIREMENT — CRIMINAL
21 PENALTY. The bill provides that a food product is misbranded
22 as a meat product if it is a manufactured-protein food product
23 or the food product contains a manufactured-protein food
24 product; the food product is offered for sale or sold on a
25 wholesale or retail basis; and the label that is part of or
26 placed on the package or other container storing a food product
27 includes one of seven identifying terms, including beef,
28 chicken, goat, lamb or sheep, pork, or turkey. However, a
29 product is not misbranded if the label conspicuously qualifies
30 an identifying term as an imitation or substitute (new Code
31 section 137E.4). Any person who willfully misbrands a food
32 product commits a simple misdemeanor (new Code section 137E.3).
33 A simple misdemeanor is punishable by confinement for no more
34 than 30 days and a fine of at least \$105 but not more than \$855.

35 BILL'S PROVISIONS — LABELING REQUIREMENT AND PROHIBITIONS

1 ON SALE — ENFORCEMENT. A regulatory authority is not required
2 to conduct an inspection of a licensee's inventory of food
3 products to determine whether a food product is misbranded as
4 a meat product (new Code section 137E.2). However, if the
5 regulatory authority has reasonable cause to believe that a
6 licensee is offering for sale or selling a food product that
7 is misbranded as a meat product, the regulatory authority
8 may issue a stop order (new Code section 137E.5). Upon
9 being issued the stop order, the licensee must not offer for
10 sale or sell the food product until the regulatory authority
11 determines that the food product is or is not misbranded
12 as a meat product. If a regulatory authority determines
13 that the food product is misbranded as a meat product, the
14 regulatory authority may issue an embargo order requiring
15 the food processing plant or grocery store to dispose of the
16 misbranded meat product other than by sale to consumers in this
17 state. DIAL, the attorney general, or a county attorney may
18 enforce the stop order. However, a licensee is not subject
19 to disciplinary action (the suspension or revocation of the
20 license) (amended Code section 137F.4).

21 RESTRICTIONS ON RESEARCH. The board of regents must act
22 together with institutions under its control (Iowa state
23 university of science and technology, the university of Iowa,
24 and the university of northern Iowa) to establish policies
25 prohibiting research into the production, distribution, or use
26 of manufactured-protein food products, to the extent that such
27 research is supported by public moneys (amended Code section
28 262.9).

29 RESTRICTIONS ON THE PURCHASE AND SALE OF MANUFACTURED MEAT
30 PRODUCTS (WIC PROGRAM). The bill applies to a grocery store
31 that participates as a vendor in the special supplemental
32 food program for women, infants, and children (WIC). WIC is
33 administered by the United States department of agriculture
34 (USDA). A grocery store that is a vendor participating in WIC
35 and offering to sell or selling meat products for retail sale

1 is prohibited from selling a food product misbranded as a meat
2 product or a cultivated-protein food product (new Code section
3 135.16C).

4 RESTRICTIONS ON THE PURCHASE AND SALE OF MANUFACTURED
5 MEAT PRODUCTS (EDUCATIONAL INSTITUTIONS). The bill requires
6 a number of different educational institutions to establish
7 policies that prohibit the purchase of a food product that is
8 misbranded as a meat product or that is a cultivated-protein
9 food product. This includes school districts (new Code section
10 283A.12), community colleges (new Code section 260C.10), and
11 regents institutions (new Code section 262.25D).