

Senate Study Bill 3162 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRISCOLL)

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. 137E.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

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

7 2. "*Container*" means a closed or wrapped package or
8 receptacle that stores a food product when offered for sale or
9 sold.

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

18 4. "*Department*" means the department of inspections,
19 appeals, and licensing.

20 5. "*Identifiable meat product term*" means a term that
21 historically has been used to describe any of the following:

22 a. Beef or any term commonly identified with a primal or
23 sub-primal cut of beef.

24 b. Chevon or any term commonly identified with a primal or
25 sub-primal cut of chevon.

26 c. Lamb or mutton or any term commonly identified with a
27 primal or sub-primal cut of lamb or mutton.

28 d. Pork or any term commonly identified with a primal or
29 sub-primal cut of pork.

30 e. Poultry, chicken, or turkey or any term commonly
31 identified with a primal or sub-primal cut of poultry meat.

32 6. "*Insect-meat food product*" means a food product having
33 one or more sensory attributes that resemble a type of tissue
34 originating from an agricultural food animal but that, in
35 lieu of being derived from meat processing, is derived from

1 manufacturing insect parts.

2 7. "*Label*" means a display of written, printed, or graphic
3 matter placed upon any container storing a food product that
4 is offered for sale or sold on a wholesale or retail basis,
5 regardless of whether the label is printed on the container's
6 packaging or a sticker affixed to the container.

7 8. "*Manufactured meat product*" means a cultivated-meat food
8 product, insect-meat food product, or plant-meat food product.

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

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

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

20 12. "*Term*" includes a word or phrase.

21 **Sec. 2. NEW SECTION. 137E.2 Administration and enforcement.**

22 1. The department shall administer and enforce the
23 provisions of this chapter as provided in this chapter in
24 conjunction with chapter 137F, as provided in section 137F.7A,
25 and rules adopted by the department under subsection 2.

26 2. The department shall adopt rules pursuant to chapter
27 17A as required in this chapter and chapter 137F, or as it
28 otherwise deems necessary or desirable to administer and
29 enforce this chapter.

30 **Sec. 3. NEW SECTION. 137E.3 Statutory construction.**

31 This chapter shall be construed to apply only to a food
32 product that includes a percentage of a manufactured meat
33 product offered for sale or sold in a container that is
34 unlabeled, or that is labeled in a manner that would likely
35 mislead its purchaser under normal and customary conditions of

1 the sale of meat products.

2 Sec. 4. NEW SECTION. 137E.4 **Label requirement.**

3 A label shall be placed on a container storing a manufactured
4 meat product that is offered for sale or sold. The label
5 shall be printed using a font and type size, and placed on the
6 container, in a manner that would be likely to be read by a
7 purchaser under normal and customary conditions of sale.

8 Sec. 5. NEW SECTION. 137E.5 **Misbranded container label.**

9 1. A person shall not offer for sale or sell a meat product
10 stored in a container that is misbranded.

11 2. A food product offered for sale or sold in a container
12 that is labeled is not misbranded solely because the food
13 product contains a percentage of insect parts or plant parts
14 considered as foreign matter in the industry.

15 Sec. 6. NEW SECTION. 137E.6 **Misbranded food products —**
16 **label prohibition.**

17 1. A food product stored in a container is misbranded as
18 provided in section 137E.5 if all of the following apply:

19 a. The food product contains a percentage of a manufactured
20 meat product.

21 b. The label required to be placed on the container includes
22 an identifiable meat product term.

23 2. Subsection 1 does not apply to a manufactured meat
24 product stored in a container if the label placed on the
25 container indicates that the term used to describe the
26 manufactured meat product is a substitute for, or an imitation
27 of, an identifiable meat product term.

28 Sec. 7. NEW SECTION. 137E.7 **Misbranded food products —**
29 **label requirements.**

30 1. A food product is misbranded as provided in section
31 137E.5 if all of the following apply:

32 a. The food product contains a percentage of a manufactured
33 meat product.

34 b. The label required to be placed on the container storing
35 the food product does not contain the following notice:

1 THIS FOOD PRODUCT IS MANUFACTURED FROM STEM CELL CULTURES OR
2 FROM PLANTS, INSECTS, OR BOTH.

3 2. Subsection 1 does not apply to a manufactured meat
4 product stored in a container offered for sale or sold by a
5 food processing plant or grocery store, if the department
6 elects to adopt rules establishing a system to approve the use
7 of labels placed on those containers.

8 Sec. 8. NEW SECTION. 137E.8 **Penalty.**

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

11 Sec. 9. Section 137F.1, Code 2024, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 10A. "*Grocery store*" means a food
14 establishment required to be licensed by a regulatory authority
15 pursuant to section 137F.4 to offer for sale or sell food
16 or food products to customers intended for preparation or
17 consumption off premises.

18 Sec. 10. Section 137F.3A, subsection 1, paragraph a,
19 unnumbered paragraph 1, Code 2024, is amended to read as
20 follows:

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

25 Sec. 11. Section 137F.3A, subsection 1, paragraph b, Code
26 2024, is amended to read as follows:

27 *b.* Before approval may be given, the director of the
28 department of management must have determined that the expenses
29 exceed the funds budgeted by the general assembly for food
30 inspections to the department. The department may hire no more
31 than one full-time equivalent position for each six hundred
32 inspections required pursuant to [this chapter](#) and chapters
33 [137C](#), [and 137D](#), [and 137E](#).

34 Sec. 12. Section 137F.4, Code 2024, is amended to read as
35 follows:

1 **137F.4 License required.**

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

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

19 Sec. 13. NEW SECTION. **137F.7A Misbranding certain meat food**
20 **products.**

21 1. A regulatory authority shall inspect a food processing
22 plant or grocery store under chapter 137E in the same manner
23 as it inspects a food processing plant or grocery store under
24 this chapter.

25 2. A regulatory authority shall enforce the provisions in
26 chapter 137E in the same manner as it enforces the provisions
27 of this chapter.

28 3. A violation of a provision in chapter 137E by a food
29 processing plant or grocery store shall be deemed to be
30 a violation of this chapter, and may be grounds for the
31 suspension or revocation of a license issued to the food
32 processing plant or grocery store pursuant to section 137F.4.

33

EXPLANATION

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

1 GENERAL. This bill prohibits the misbranding of certain
2 food products that are manufactured to resemble meat products
3 that are not derived from the processing (slaughter) of certain
4 domesticated agricultural food animals (animals), including
5 cattle and bison, goats, sheep and lambs, swine, chickens,
6 and turkeys. A manufactured meat product is formulated as a
7 cultivated-meat product, or either an insect-meat product or
8 plant-meat product. In all three cases, the food product has
9 one or more sensory attributes that resemble a type of tissue
10 originating from a species of food animal but that, in lieu of
11 being derived from slaughter, is derived from manufacturing
12 cells grown in vitro, meaning outside the food animal's body,
13 or is derived from manufacturing parts of insects or plants
14 (new Code chapter 137E). Provisions of the bill specifically
15 apply to food processing plants and grocery stores regulated
16 by the department of inspections, appeals, and licensing
17 (DIAL) or a political subdivision (a municipal corporation)
18 acting under contract with DIAL (Code section 137F.3). Both
19 government entities are referred to as a regulatory authority.
20 A food processing plant manufactures, packages, labels, or
21 stores food for human consumption but does not provide a food
22 product directly to a consumer. A food establishment stores,
23 prepares, packages, or provides a food product for human
24 consumption. However, a number of businesses are excluded from
25 the definition including a food processing plant (amended Code
26 section 137F.1). The bill provides that a grocery store is a
27 type of food establishment that offers to sell or sells food
28 products to customers intended for preparation or consumption
29 off premises (amended Code section 137F.1). A regulatory
30 authority licenses and inspects both businesses for health and
31 safety purposes.

32 LABELING REQUIREMENT. The bill applies to a food product
33 stored in a container that is not labeled or is labeled in a
34 manner that would likely mislead its purchaser under normal and
35 customary conditions of the sale of meat products (new Code

1 sections 137E.3 and 137E.4).

2 MISBRANDED FOOD PRODUCTS. The bill provides that a food
3 product is misbranded under two circumstances. In both
4 cases, the food item contains a percentage of a manufactured
5 meat product, excluding insects or plants considered foreign
6 material, and the container's label does not adequately
7 describe the manufactured meat product. The first circumstance
8 of misbranding occurs when the label describes the manufactured
9 meat product by using a term identifiable with the slaughter
10 of a food animal and uses the common name identifying the
11 resulting cut of meat such as steak, chop, or wing (new Code
12 section 137E.6). The second circumstance of misbranding occurs
13 if the label fails to notify the purchaser that the food
14 product contains a manufactured meat product. The label must
15 include a notice specifically stating that the food product is
16 manufactured from stem cell cultures, or from insects, plants,
17 or both (new Code section 137E.7). Alternatively, DIAL may
18 adopt rules establishing a system to approve the use of labels
19 (Code section 137E.7).

20 INSPECTIONS AND ENFORCEMENT. The bill provides that a
21 regulatory authority must inspect a food processing plant
22 or grocery store to determine compliance with the bill's
23 provisions under new Code chapter 137E in the same manner as it
24 inspects those businesses for health and safety purposes under
25 amended Code chapter 137F. The regulatory authority may suspend
26 or revoke a license issued under amended Code chapter 137F for
27 a violation of new Code chapter 137E (new Code section 137E.2
28 and amended Code section 137F.7A).

29 CRIMINAL OFFENSE. A person who willfully misbrands a food
30 product in violation of the bill's provisions commits a simple
31 misdemeanor. A simple misdemeanor is punishable by confinement
32 for no more than 30 days and a fine of at least \$105 but not
33 more than \$855.