SENATE FILE 2391
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3162)

(As Amended and Passed by the Senate February 27, 2024)
ALL New Language by the Senate

A BILL FOR

An Act prohibiting the misbranding of certain food products, and providing penalties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (a) Meat.

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

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

(d) Any other common name that a reasonable purchaser would immediately and exclusively associate with a meat product prepared for sale in normal commercial channels such as bacon, baloney, bologna, bone, brat or bratwurst, brisket, burger or hamburger, butt, chop, chuck, cold cut, cutlet, filet, flat iron, frank or frankfurter, ham, hock, hot dog, jerky, liverwurst, loin, London broil, lunch meat, New York strip, pepperoni, porterhouse, ribeye, roast, rib or sparerib, salami,

sausage, shank, sirloin, tenderloin, or a comparable word or phrase as approved by the department.

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

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

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

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

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

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

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

b. "Qualifying term" includes but is not limited to cell-cultivated, cell-cultured, fake, grown in a lab, imitation, insect, insect-based, insect-protein, lab-created, lab-grown, meat free, meatless, plant, plant-based, vegan, vegetable, vegetarian, veggie, or a comparable word or phrase

as approved by the department.

14. *"Regulatory authority"* means the same as defined in section 137F.1.

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

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

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

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

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

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

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

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

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

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

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

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

A food processing plant shall not offer for sale or sell a

food product that is misbranded as a meat product as provided in section 137E.3.

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

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

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

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

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

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

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

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

3. The department shall impose the civil penalty provided

in subsection 2. A food processing plant may contest the imposition of the civil penalty by initiating a contested case proceeding pursuant to chapter 17A.

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

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

The department may employ additional full-time equivalent positions to enforce the provisions of this chapter and chapters 137C, ~~and~~ 137D, and 137E with the approval of the department of management, if either of the following apply:

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

b. Before approval may be given, the director of the department of management must have determined that the expenses exceed the funds budgeted by the general assembly for food inspections to the department. The department may hire no more than one full-time equivalent position for each six hundred inspections required pursuant to this chapter and chapters 137C, ~~and~~ 137D, and 137E.

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

137F.4 License required.

1. A person shall not operate a food establishment or food processing plant to provide goods or services to the general public, or open a food establishment to the general public, until the appropriate license has been obtained from the regulatory authority. Sale of products at wholesale to outlets not owned by a commissary owner requires a food processing plant license. A license shall expire one year from the date of issue. A license is renewable if application for renewal is made prior to expiration of the license or within sixty days of the expiration date of the license. All licenses issued under this chapter that are not renewed by the licensee on or

before the expiration date shall be subject to a penalty of ten percent per month of the license fee if the license is renewed at a later date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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