

Senate File 2391 - Reprinted

SENATE FILE 2391
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3162)

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

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 Federal nutrition programs
2 — cultivated-protein food products.

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*" or "*program*" means any of the
8 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) (a) Meat.

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

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

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

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

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

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

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

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

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

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

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

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

1 as approved by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 3. The department shall impose the civil penalty provided

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

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

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

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

13 Sec. 9. Section 137F.3A, subsection 1, paragraph b, Code
14 2024, is amended to read as follows:

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

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

24 **137F.4 License required.**

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

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

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

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

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

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

16 1. Misbranded as a meat product as prohibited in chapter
17 137E.

18 2. A cultivated-protein food product as defined in section
19 137E.1.

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

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

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

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

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

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

32 1. Misbranded as a meat product as prohibited in chapter
33 137E.

34 2. A cultivated-protein food product as defined in section
35 137E.1.