

SUBJECT: Labeling requirements for certain plant-based food products

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — Klick, Guerra, Allison, Campos, Collier, Jetton, Oliverson, Price, Smith, Zwiener

0 nays

1 absent — Coleman

SENATE VOTE: On final passage, April 19 — 28-3 (Eckhardt, Miles, Zaffirini)

WITNESSES: No public hearing.

BACKGROUND: Health and Safety Code ch. 433, the Texas Meat and Poultry Inspection Act, is governed by the Department of State Health Services. Sec. 433.003 defines several types of animal-based food products.

Sec. 433.005 establishes that a livestock or poultry product is misbranded if:

- any part of its labeling is false or misleading;
- it is offered for sale under the name of another food; and
- it is an imitation of another food, unless its label bears the word "imitation" immediately followed by the name of the food imitated, among other specified provisions.

It has been suggested that, in light of technological developments related to the creation of food products using alternative ingredients and methods, codifying definitions of various types of meat products, meat substitutes, and cell-cultured products would provide consumers with a clear understanding of what they are purchasing and encourage transparency.

DIGEST: CSSB 1145 would expand the categories of misbranded food products and add certain definitions under the Texas Meat and Poultry Inspection Act.

Misbranding. Under the bill, a livestock, poultry product, analogue product, or cell-cultured product would be misbranded if:

- for an analogue product of meat or poultry, its label did not bear immediately before the product name certain terms, including "analogue," "meatless," "plant-based," or "made from plants;" or
- for a cell-cultured product, its label did not bear immediately before the product name certain terms, including "cell-cultured" or "lab-grown."

Definitions. The bill would define several terms, including "meat," "analogue product," and "cell-cultured product."

"Meat" would mean part of the muscle of cattle, sheep, swine, or goats that was skeletal or found in certain parts of the animal and the portions of bone that normally accompany the muscle tissue. The term would exclude certain items, including cell-cultured, plant-based, or insect-based food products.

"Analogue product" would mean a food product derived by combining processed plant products, insects, or fungus with additives to approximate the texture, flavor, appearance or other aesthetic qualities or the chemical characteristics of any specific type of meat, meat food product, poultry, or poultry product.

"Cell-cultured product" would mean a food product derived by engineering muscle tissue fibers from animal cells in a laboratory or similar setting.

DSHS requirements. The bill would require the Department of State Health Services (DSHS) to consider certain characteristics in determining whether a certain food product was misbranded due to misleading labeling or advertising.

Other provisions. The bill would make certain conforming changes under

current law.

As soon as practicable after the bill's effective date, the executive commissioner of the Health and Human Services Commission would have to adopt rules to implement the bill's provisions.

The bill would take effect September 1, 2021.