

By: Perry

S.B. No. 1145

A BILL TO BE ENTITLED

AN ACT

relating to marketing and labeling requirements for certain food products, including imitation meat and egg food products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 431, Health and Safety Code, is amended by adding Section 431.0825 to read as follows:

Sec. 431.0825. MARKETING AND LABELING OF CERTAIN FOOD PRODUCTS. (a) In this section:

(1) "Egg" has the meaning assigned by Section 4(g), Egg Products Inspection Act (21 U.S.C. Section 1033(g)). The term does not include synthetic or cell cultured products.

(2) "Egg product" has the meaning assigned by Section 4(f), Egg Products Inspection Act (21 U.S.C. Section 1033(f)). The term does not include synthetic or cell cultured products.

(3) "Fish" has the meaning assigned by Section 403, Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 343(q)(4)(E)). The term does not include synthetic or cell cultured products.

(4) "Meat food product" has the meaning assigned by Section 1(j), Federal Meat Inspection Act (21 U.S.C. Section 601(j)). The term does not include synthetic or cell cultured products.

(5) "Poultry" has the meaning assigned by Section 4(e), Poultry Products Inspection Act (21 U.S.C. Section 453(e)).

1 The term does not include synthetic or cell cultured products.

2 (6) "Poultry product" has the meaning assigned by
3 Section 4(f), Poultry Products Inspection Act (21 U.S.C. Section
4 453(f)). The term does not include synthetic or cell cultured
5 products.

6 (7) "Standard of identity" related to food product
7 labeling means a standard of identity prescribed by the United
8 States Department of Agriculture for the labeling of eggs, egg
9 products, fish, meat, meat food products, poultry, or poultry
10 products or products derived from one of those items.

11 (b) Except as provided by Subsection (c), a person violates
12 this section if, in order to directly or indirectly induce the
13 purchase of a food product, the person labels, misbrands, or
14 misrepresents the food product with:

15 (1) a term that has a standard of identity, for a food
16 product that does not meet the standard of identity; or

17 (2) an image, depiction, or graphic of a livestock
18 animal, for a food product that does not contain a product derived
19 from a livestock animal.

20 (c) A person does not violate this section if the food
21 product's label bears, in prominent type of uniform size, as
22 applicable:

23 (1) the word "imitation" immediately followed by the
24 name of the product imitated;

25 (2) the phrase "This product does not contain animal
26 protein";

27 (3) the word "meatless";

- 1 (4) the words "meat free";
- 2 (5) the words "plant based";
- 3 (6) the words "egg free";
- 4 (7) the word "synthetic"; or
- 5 (8) another substantially similar qualifying term or
- 6 disclaimer.

7 (d) The department shall:

8 (1) enforce the proper use of standards of identity on
9 food product labels to prevent consumer confusion and ensure the
10 orderly and efficient marketing of food products; and

11 (2) to the extent practical and cost-effective, enter
12 into a memorandum of understanding with the Department of
13 Agriculture or another state agency as necessary to execute the
14 department's responsibilities under this section.

15 SECTION 2. This Act takes effect January 1, 2022.