

BILL ANALYSIS

C.S.S.B. 1145
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that codifying definitions of the various types of meat and non-meat products will strengthen consumers' understanding of what they are purchasing while fostering seller transparency. As technology advances and food products for consumption are created using alternative ingredients and methods, Texans need the ability to make the distinction between meat originating from a carcass, meat substitutes, and cell-cultured products. C.S.S.B. 1145 seeks to provide clarification by codifying in the Texas Meat and Poultry Inspection Act the definitions relating to meat products and the labeling of those products and applying provisions relating to misbranding under that act to all applicable products. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the bill's provisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

ANALYSIS

C.S.S.B. 1145 amends the Health and Safety Code to extend Texas Meat and Poultry Inspection Act provisions establishing the conditions under which a livestock or poultry product is considered misbranded to apply also to an analogue product or cell-cultured product, as those products are defined by the bill. The bill establishes additional conditions under which an analogue product of meat, a meat food product, poultry, or a poultry product is considered misbranded and under which a cell-cultured product is considered misbranded based on the respective labels not bearing certain qualifying terminology or disclaimers, as applicable, displayed in prominent type of uniform size immediately before the name of the product.

C.S.S.B. 1145 defines terms and revises certain definitions for purposes of the Texas Meat and Poultry Inspection Act and the bill's provisions as follows:

- defines "advertising" by reference to an existing statutory definition and defines "misleading";
- defines "analogue product" and "cell-cultured product";
- defines "beef," "meat," and "pork" and explicitly excludes from those definitions a cell-cultured, plant-based, or insect-based food product;
- specifies that the term "meat," which is defined with respect to specified parts of cattle, sheep, swine, or goats, has a comparable meaning as applied to equine food products, but does not include the following:

- muscle found in the lips, snout, or ears;
- animal tissue containing significant portions of bone, including hard bone and related components, such as bone marrow, or any amount of brain, trigeminal ganglia, spinal cord, or dorsal root ganglia; or
- cell-cultured, plant-based, or insect-based food products;
- revises the definition of "poultry" to include specified domesticated birds; and
- revises the definition of "poultry product" to explicitly exclude a cell-cultured, plant-based, or insect-based food product and a product that is exempt under certain federal regulations and to specify that the term includes only articles capable of use as human food, unless the context requires otherwise.

C.S.S.B. 1145 provides that, if a food is alleged to be misbranded because the labeling or advertising is misleading, the Department of State Health Services (DSHS) in determining whether the labeling or advertising is misleading must consider, among other characteristics, the following:

- a representation made or suggested by a statement, word, design, image, device, sound, or any combination of these; and
- the extent to which the labeling or advertising suggests the food is:
 - authentic meat or poultry if the food is not meat or poultry;
 - a meat product or poultry product if the food is not a meat product or poultry product; or
 - derived from livestock in any form if the food is not derived from livestock.

C.S.S.B. 1145 requires the executive commissioner of the Health and Human Services Commission to adopt rules as necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1145 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

While both the engrossed and the substitute seek to regulate the marketing and labeling of certain meat and non-meat food products, the two versions do not contain any common provisions.

The engrossed amended the Texas Food, Drug, and Cosmetic Act to define certain terms, set out certain labeling, misbranding, or misrepresentation of applicable food products that did and did not constitute a violation of the bill's provisions, and require DSHS to enforce the proper use of standards of identity on applicable food product labels and to enter into a certain memorandum of understanding with the Department of Agriculture or another state agency, subject to certain conditions. Among the defined terms, "egg," "egg product," and "fish" appear in the engrossed, but not in the substitute.

The substitute instead amends the Texas Meat and Poultry Inspection Act to do the following with respect to the advertising and labeling of certain food products under that act:

- establish the conditions under which an analogue product of meat, a meat food product, poultry, or a poultry product or a cell-cultured product is considered to be misbranded under that act, as amended by the bill; and
- provide explicit definitions of an "analogue product" and a "cell-cultured product," among other terms, for purposes of regulation under that act.

Of the terms defined by the engrossed, the following also appear either in the substitute or in the Texas Meat and Poultry Inspection Act, but with different definitions from those provided in the engrossed:

- "poultry," "poultry product," and "meat food product" were defined in the engrossed by reference to federal law and to explicitly exclude synthetic or cell cultured products;
- the substitute instead revises the act's definition of "poultry" to include specified domestic birds and revises the act's definition of "poultry product" to explicitly exclude a cell-cultured, plant-based, or insect-based food product and a product that is exempt under certain federal regulations and to specify that the term includes only articles capable of use as human food; and
- the substitute does not amend or add the definition of "meat food product" but retains the definition provided in the act.

The substitute revises the caption from the engrossed version to account for these differences.