

BILL ANALYSIS

C.S.H.B. 1788
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Producers of traditional protein sources such as beef and chicken must comply with rigorous regulations and have heavily invested in marketing and research programs to create products with exceptional quality. As technology advances and more alternative protein products come onto the market, state regulations around labeling standards need to be updated to promote fair competition in the market and to strengthen consumers' understanding of what they are purchasing. C.S.H.B. 1788 seeks to provide for such an update by requiring analogue and cell-cultured products to be clearly labeled as such.

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 4 of this bill.

ANALYSIS

C.S.H.B. 1788 amends the Health and Safety Code to establish that, with respect to the Texas Food, Drug, and Cosmetic Act, an analogue product of meat, a meat food product, poultry, a poultry product, an egg product, or fish is deemed to be misbranded unless its label bears in prominent type equal to or greater in size than the surrounding type and in close proximity to the product name "analogue," "meatless," "plant-based," "made from plants," or a similar qualifying term or disclaimer intended to clearly communicate the product's contents to a consumer. For purposes of that act, the bill defines "analogue product" as a food product derived by combining processed plant products, insects, or fungus with food additives to approximate the texture, flavor, appearance, or other aesthetic qualities or the chemical characteristics of any specific type of egg, egg product, fish, meat, meat food product, poultry, or poultry product. The bill assigns the terms "egg," "egg product," "fish," "meat," "meat food product," "poultry," and "poultry product" the meanings assigned under applicable federal law and regulations and establishes that these terms do not include either an analogue product or a cell-cultured product, which is defined in the bill as a food product derived by harvesting animal cells and artificially replicating those cells in a growth medium in a laboratory to produce tissue. Moreover, the bill establishes that "close proximity" means immediately before or after the product name, in the line of the label immediately before or after the line containing the product name, or within the same phrase or sentence containing the product name.

C.S.H.B. 1788 requires a cell-cultured product to be labeled in prominent type equal to or greater in size than the surrounding type and in close proximity to the product name using the labels "cell-cultured" or "lab-grown" or a similar qualifying term or disclaimer intended to clearly

communicate the product's contents to a consumer. The bill subjects a cell-cultured product to the provisions of the Texas Meat and Poultry Inspection Act relating to labeling and other standards, as applicable.

C.S.H.B. 1788 requires the executive commissioner of the Health and Human Services Commission to adopt any rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1788 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced required the disclosure on an analogue or cell-cultured product to be of uniform size immediately before the name of the product, the substitute requires instead that the products be labeled in prominent type equal to or greater in size than the surrounding type and in close proximity to the product name. The substitute also includes a corresponding definition of "close proximity" that was not in the introduced.