

BILL ANALYSIS

Senate Research Center

S.B. 664
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent technological advancements have given the ability for companies to create food products from non-traditional sources that mimic traditional sources of protein, are created using alternative ingredients and methods of production.

Oftentimes these alternative protein sources are created using analogue or cell-cultured food products, and are then marketed with labels such as "Beef," "Chicken," "Egg," and more, when they do not contain beef, chicken, or egg. The increase in variety at the food counter can be a positive for consumers, but it is important for the consumer to understand the nature of the products they are purchasing to feed themselves and their families.

Clarity can be given to the consumers by the addition of definitions as well as labeling requirements regarding the type and size of the verbiage.

S.B. 664 seeks to address the issue of unclear labeling by giving definitions to different classifications of alternate protein sources such as "analogue" or "cell-cultured" products as it pertains to Health and Safety Code Chapter 431. S.B. 664 also adds clarity and transparency for protection to Texas consumers by giving labeling guidelines for products to be labeled prominently and uniformly to indicate the product being made from alternative proteins.

S.B. 664 gives rulemaking authority to the executive commissioner of the Health and Human Services Commission. The bill outlines that as soon as practicable after the effective date of the Act the commission shall adopt any rules necessary to implement the changes in law.

C.S.S.B. 664 gives guidelines as to where clarifying terms such as "plant-based," "analogue," or "cell-cultured" may be on the label by a qualifying term of close proximity. A definition of close proximity is provided outlining that the term may be immediately before or after, within the same phrase, or in the same line of the label of the identifying meat term.

S.B. 664 amends current law relating to the labeling of analogue and cell-cultured products.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 431, Health and Safety Code, by adding Section 431.0805, as follows:

Sec. 431.0805. DEFINITIONS. Defines "analogue product," "cell-cultured product," "close proximity," "egg," "egg product," "fish," "meat," "meat food product," "poultry," and "poultry product."

SECTION 2. Amends Section 431.082, Health and Safety Code, as follows:

Sec. 431.082. MISBRANDED FOOD. Requires that a food be deemed to be misbranded:

(a)-(d) makes no changes to these subsections;

(d-1) if it is an analogue product of meat, a meat food product, poultry, a poultry product, an egg product, or fish, unless its label bears in prominent type equal to or greater in size than the surrounding type and in close proximity to the name of the product one of the following: "analogue," "meatless," "plant-based," "made from plants," or a similar qualifying term or disclaimer intended to clearly communicate to a consumer the contents of the product; or

(e)-(s) makes no changes to these subsections.

SECTION 3. Amends Subchapter C, Chapter 433, Health and Safety Code, by adding Section 433.0415, as follows:

Sec. 433.0415. LABELING CELL-CULTURED PRODUCT. (a) Defines "cell-cultured product" and "close proximity."

(b) Requires that a cell-cultured product be labeled in prominent type equal to or greater in size than the surrounding type and in close proximity to the name of the product using one of the following: "cell-cultured," "lab-grown," or a similar qualifying term or disclaimer intended to clearly communicate to a consumer the contents of the product.

(c) Provides that the provisions of Subchapter C (Labeling and Other Standards) apply to a cell-cultured product, as applicable.

SECTION 4. Requires the executive commissioner of the Health and Human Services Commission, as soon as practicable after the effective date of this Act, to adopt any rules necessary to implement the changes in law made by this Act.

SECTION 5. Effective date: September 1, 2023.