

SUBJECT: Labeling requirements for certain plant-based food products

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — Klick, Allison, Coleman, Collier, Jetton, Oliverson, Price, Smith
1 nay — Zwiener
2 absent — Guerra, Campos

WITNESSES: For — Dustin Dean, Texas and Southwestern Cattle Raisers Association; Brandi Richards, Texas Cattle Feeders Association; Shalene McNeill; Rhonda Miller; (*Registered, but did not testify*: Josh Winegarner, Texas Cattle Feeders Association; Joy Davis, Texas Farm Bureau; Brandon Gunn, Texas Pork Producers Association; JC Essler, Texas Poultry Federation)

Against — Brett Christoffel, All Y'all's Foods; Dan Colegrove, Alliance for Plant Based Inclusion; Jessica O'Connell, Beyond Meat; Oscar Rodriguez, Texas Association of Broadcasters; (*Registered, but did not testify*: Chuck Mains, Impossible Foods; Bryan Hebert, Plant Based Foods Association; Kathy Grant, The Good Food Institute)

On — Stephen Pahl, Department of State Health Services

BACKGROUND: Health and Safety Code ch. 433 establishes the Texas Meat and Poultry Inspection Act, which 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.

DIGEST: CSHB 316 would expand the categories of misbranded food products and add certain definitions under the Texas Meat and Poultry Inspection Act.

Misbranding. 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 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 and the portions of bone that normally accompany the muscle tissue. Among other things, the term would exclude 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.

**SUPPORTERS
SAY:**

CSHB 316 would strengthen consumers' understanding of purchased food products by requiring clear, accurate labels of plant-based products. By codifying the definition of "meat," the bill would prevent plant-based companies from potentially misleading consumers about the way they market their meat alternatives. The bill is necessary to ensure food products are accurately labeled as animal-based or plant-based, which would help Texans make informed decisions about food they choose to consume.

**CRITICS
SAY:**

CSHB 316 could duplicate existing food labeling requirements of certain federal and state regulations. Codifying the definition of "meat" and requiring additional labeling is unnecessary because food products from plant-based companies already are clearly marketed as meat substitutes.