

BILL ANALYSIS

C.S.H.B. 316
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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.H.B. 316 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 also 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.H.B. 316 amends the Health and Safety Code to apply Texas Meat and Poultry Inspection Act provisions establishing the conditions under which a livestock or poultry product is considered misbranded 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. The bill, for purposes of the Texas Meat and Poultry Inspection Act and the bill's provisions:

- defines "advertising" by reference and defines "misleading";
- defines "analogue product" and "cell-cultured product";
- defines "beef," "meat," and "pork" and, as follows:
 - explicitly excludes from those definitions an analogue product and a cell-cultured product as those terms are defined by the bill; and
 - specifies that the term "meat" has a comparable meaning as applied to equine food products;
- revises the act's definition of "poultry" to include specified fowl; and
- revises the act's definition of "poultry product" to, as follows:
 - explicitly exclude from the definition a cell-cultured, plant-based, or insect-based food product and a product that is exempt under the Code of Federal Regulations; and
 - provide that the term includes only articles capable of use as human food.

C.S.H.B. 316 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.H.B. 316 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 ORIGINAL AND SUBSTITUTE

While C.S.H.B. 316 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not add the original's Texas Meat and Imitation Food Act as a separate chapter in the Health and Safety Code relating to the advertising and labeling of certain meat food products and does not include any of the original's substantive provisions regarding the following:

- the determination of misleading labeling or advertising;
- the prohibited activities in the original involving adulterated or misbranded food;
- an injunction relating to a violation of certain of the original's provisions;
- tagging or marking detained, embargoed, or removed food; or
- procedures for the correction of a violation.

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

- establishes the conditions under which an analogue product of meat, a meat food product, poultry, or a poultry product or a cell-cultured product is misbranded under the Texas Meat and Poultry Inspection Act with respect to that act's provisions governing the misbranding of a livestock or poultry product; and
- provides explicit definitions of an "analogue product" and a "cell-cultured product" for purposes of regulation under the newly applicable act.

The substitute makes certain of the original's definitions applicable to the Texas Meat and Poultry Inspection Act and does the following with respect to those definitions:

- does not include the original's definitions of "food," "label," "labeling," and "livestock" because substantially similar definitions of those terms are already included in the newly applicable Texas Meat and Poultry Inspection Act;
- defines "misleading" rather than "misrepresent," as the original does, but retains the original's meaning of the term;
- retains the original's meaning of "advertising" by including the same meaning assigned to the term in the newly applicable act;
- retains substantially the same definitions of "beef" and "pork" but explicitly excludes from the terms a cell-cultured, plant-based, or insect-based product;

- does not include a definition of "chicken," as contained in the original, but instead includes and revises the newly applicable act's definition of "poultry" to include chickens, among other fowl;
- includes and revises, which the original did not do, the newly applicable act's definition of "poultry product" to explicitly exclude the following from the term:
 - a cell-cultured, plant-based, or insect-based food product; and
 - a product that is exempt under the Code of Federal Regulations rather than a product exempt by current law under DSHS rule; and
- revises the definition of "meat," which is defined in the original as any edible portion of a livestock carcass that does not contain lab-grown, cell-cultured, insect, or plant-based food product, by doing the following:
 - adding specific detail as to what parts of an applicable animal are and are not included as part of the definition;
 - including a specification that the term has a comparable meaning as applied to equine food products; and
 - explicitly excluding from the term a cell-cultured, plant-based, or insect-based product.

The substitute includes changes to the caption to account for these differences.