

HOUSE BILL NO. 401

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE MANUFACTURE FOR SALE, SALE, HOLDING OR OFFERING FOR SALE, OR DISTRIBUTION OF CELL-CULTURED EDIBLE PRODUCT; PROVIDING PENALTIES; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AND AMENDING SECTIONS ~~30-12-210, 50-31-103, 50-31-203,~~ 50-31-501, AND 81-9-217, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Cell-cultured edible product -- prohibition -- rulemaking authority -- definition. (1) It is unlawful for a person to manufacture for sale, sell, hold or offer for sale, or distribute cell-cultured edible product in this state.

(2) The department may adopt rules to implement this section.

(3) As used in [SECTION 2] AND this section, the following definitions apply:

(a) "Cell-cultured edible product" has the same meaning as provided in 50-31-103.

(b) "Retail food establishment" has the same meaning as provided in 50-50-102.

NEW SECTION. Section 2. Penalty -- violation -- stop sale. (1) A person who knowingly violates

1 this part [SECTION 1] commits a misdemeanor and on conviction shall be imprisoned for not more than 60 days
2 AND IS SUBJECT TO THE PROVISIONS OF 50-31-506.

3 (2) A retail food establishment that manufactures for sale, sells, holds or offers for sale, or
4 distributes cell-cultured edible product as defined in [section 1] is found in violation of this part [SECTION 1] and
5 is subject to disciplinary action pursuant to 50-50-107 through 50-50-109.

6 (3) In addition to the penalties provided in this part SECTION, the license of a restaurant, store, or
7 other business may be suspended as provided in the applicable licensing law on the conviction of an owner or
8 employee of that business for a violation of this part [SECTION 1] in connection with that business.

9 (4) A product found to be in violation of this part [SECTION 1] is subject to the provisions of this
10 chapter and an immediate stop sale order.

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12

13 **Section 3.** Section 30-12-210, MCA, is amended to read:

14

15 "~~30-12-210. Police powers.~~ In enforcing the provisions of parts 1 through 5 and [section s 1 and 2]
16 or any other law pertaining to weights and measures, the department may, in the manner provided by law for
17 peace officers, arrest violators, conduct searches and inspections, and seize for use as evidence incorrect or
18 unsealed weights and measures or packages of commodities unlawfully used, possessed, offered, or exposed
19 for sale or unlawfully sold."

20

21 **Section 3.** Section 50-31-103, MCA, is amended to read:

22 "**50-31-103. Definitions.** Unless the context requires otherwise, in this chapter, the following
23 definitions apply:

24 (1) "Advertisement" means representations disseminated in any manner or by any means, other
25 than by labeling, for the purpose of inducing or that are likely to induce, directly or indirectly, the purchase of
26 food, drugs, devices, or cosmetics.

27 (2) "Beef patty mix" means "hamburger" or "ground beef" to which have been added binders or
28 extenders as those terms are understood by general custom and usage in the food industry.

1 (3) "Bottled water" means water that is intended for human consumption and that is sealed in
2 bottles or other containers with no added ingredients, except that bottled water may optionally contain safe and
3 suitable antimicrobial agents.

4 (4) "Cell-cultured edible product" means the concept of meat, including but not limited to muscle
5 cells, fat cells, connective tissue, blood, and other components produced via cell culture, rather than from a
6 whole slaughtered animal. ~~A cell-cultured edible product derived from meat muscle cells, fat cells, connective~~
7 ~~tissue, blood, or other meat components must contain labeling indicating it is derived from those cells, tissues,~~
8 ~~blood, or components.~~

9 (5) "Color" includes black, white, and intermediate grays.

10 (6) (a) "Color additive" means a material that:

11 (i) is a dye, pigment, or other substance made by a process of synthesis or similar artifice or that
12 is extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a
13 vegetable, animal, mineral, or other source; or

14 (ii) when added or applied to a food, drug, or cosmetic or to the human body is capable (alone or
15 through reaction with another substance) of imparting color to the human body.

16 (b) The term does not include material that has been or is exempted under the federal act.

17 (7) (a) "Consumer commodity", except as otherwise specifically provided by this subsection,
18 means any food, drug, device, or cosmetic as those terms are defined by this chapter or by the federal act and
19 regulations pursuant to the federal act.

20 (b) The term does not include:

21 (i) any tobacco or tobacco product;

22 (ii) a commodity subject to packaging or labeling requirements imposed under the Federal
23 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.) or the provisions of the eighth paragraph
24 under the heading "Bureau of Animal Industry" of the act of March 4, 1913 (37 Stat. 832-833; 21 U.S.C. 151
25 through 157), commonly known as the Virus-Serum-Toxin Act;

26 (iii) a drug subject to 50-31-306(1)(m) or 50-31-307(2)(c) or section 503(b)(1) or 506 of the federal
27 act (21 U.S.C. 353(b)(1) and 356);

28 (iv) a beverage subject to or complying with packaging or labeling requirements imposed under the

- 1 Federal Alcohol Administration Act (27 U.S.C. 201, et seq.); or
- 2 (v) a commodity subject to the Federal Seed Act (7 U.S.C. 1551 through 1610).
- 3 (8) "Contaminated with filth" applies to a food, drug, device, or cosmetic not securely protected
- 4 from dust, dirt, and, as far as may be necessary by all reasonable means, foreign, or injurious contaminations.
- 5 (9) (a) "Cosmetic" means:
- 6 (i) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise
- 7 applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance; and
- 8 (ii) articles intended for use as a component of these articles.
- 9 (b) The term does not include soap.
- 10 (10) "Counterfeit drug" means a drug, drug container, or drug label that, without authorization, bears
- 11 the trademark, trade name, or other identifying mark, imprint, or device or any likeness of an identifying mark,
- 12 imprint, or device of a drug manufacturer, processor, packer, or distributor other than the person who in fact
- 13 manufactured, processed, packed, or distributed the drug and that falsely purports or is represented to be the
- 14 product of or to have been packed or distributed by the other drug manufacturer, processor, packer, or
- 15 distributor.
- 16 (11) "Department" means the department of public health and human services provided for in 2-15-
- 17 2201.
- 18 (12) "Device" (except when used in 50-31-107(2), 50-31-203(6), 50-31-306(1)(c) and (1)(q), 50-31-
- 19 402(3), and 50-31-501(~~40~~) (11)) means instruments, apparatus, and contrivances, including their components,
- 20 parts, and accessories, intended:
- 21 (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or
- 22 other animals; or
- 23 (b) to affect the structure or function of the body of humans or other animals.
- 24 (13) "Dietary supplement" means a product, other than a tobacco product, that is intended to
- 25 supplement the diet and that:
- 26 (a) is advertised only as a food supplement;
- 27 (b) bears or contains one or more of the following ingredients:
- 28 (i) a vitamin;

- 1 (ii) a mineral;
- 2 (iii) an herb or other botanical substance;
- 3 (iv) an amino acid;
- 4 (v) a dietary substance used to supplement the diet by increasing the total dietary intake or a
5 concentrate, metabolite, constituent, extract, or combination of any ingredients described in subsections
6 (13)(b)(i) through (13)(b)(iv);
- 7 (c) conforms to any additional provisions for the definition of dietary supplement under 21 U.S.C.
8 321.
- 9 (14) "Drug" means:
- 10 (a) articles recognized in the official United States Pharmacopoeia, official National Formulary, or a
11 supplement to either of these;
- 12 (b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease
13 in humans or other animals;
- 14 (c) articles (other than food) intended to affect the structure or function of the body of humans or
15 other animals;
- 16 (d) articles intended for use as components of any article specified in subsection (14)(a), (14)(b),
17 or (14)(c) but does not include devices or their components, parts, or accessories.
- 18 (15) "Federal act" means the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301,
19 et seq.).
- 20 (16) "Food" means:
- 21 (a) articles used for food or drink for humans or other animals;
- 22 (b) chewing gum;
- 23 (c) articles used for components of these articles; and
- 24 (d) dietary supplements.
- 25 (17) (a) "Food additive" means a substance, the intended use of which results or may be reasonably
26 expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics
27 of food. The term includes a substance intended for use in producing, manufacturing, packing, processing,
28 preparing, treating, packaging, transporting, or holding food and a source of radiation intended for this use if the

1 substance is not generally recognized among experts qualified by scientific training and experience to evaluate
2 its safety as having been adequately shown through scientific procedures to be safe under the conditions of its
3 intended use. Alternatively, for a substance used in a food prior to January 1, 1958, the determination of safety
4 under the conditions of the substance's intended use may be through either scientific procedures or experience
5 based on common use in food.

6 (b) The term does not include:

7 (i) a pesticide chemical in or on a raw agricultural commodity;

8 (ii) a pesticide chemical to the extent that the pesticide chemical is intended for use or is used in
9 the production, storage, or transportation of a raw agricultural commodity;

10 (iii) a color additive;

11 (iv) a substance used in accordance with a sanction or approval granted prior to the enactment of
12 the Food Additives Amendment of 1958, pursuant to the federal act, the Poultry Products Inspection Act (21
13 U.S.C. 451, et seq.), or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended and extended
14 (21 U.S.C. 603, et seq.).

15 (18) "Food service establishment" means a retail food establishment defined in 50-50-102 and any
16 facility operated by a governmental entity where food is served.

17 (19) "Hamburger" or "ground beef" means ground fresh or frozen beef or a combination of both
18 fresh and frozen beef, with or without the addition of suet, to which no water, binders, or extenders are added.
19 The term includes only products entirely derived from the edible flesh of livestock or a livestock product, as
20 meat is defined in 81-9-217. The term does not include cell-cultured edible products. There are four grades of
21 hamburger or ground beef:

22 (a) "regular hamburger" or "regular ground beef" may have:

23 (i) a fat content no greater than the federal standard set forth in 9 CFR 319.15; and

24 (ii) a lean content of no less than 70%;

25 (b) "lean hamburger" or "lean ground beef" may have:

26 (i) a fat content no greater than 22%; and

27 (ii) a lean content of no less than 78%;

28 (c) "extra lean hamburger" or "extra lean ground beef" may have:

- 1 (i) a fat content no greater than 16%; and
- 2 (ii) a lean content of no less than 84%; and
- 3 (d) "super lean hamburger" or "super lean ground beef" may have:
- 4 (i) a fat content no greater than 12%; and
- 5 (ii) a lean content of no less than 88%.
- 6 (20) "Honey" means the nectar and saccharine plant exudations, gathered, modified, and stored in
- 7 the comb by honey bees, that are levorotatory and that contain not more than 25% of water, not more than
- 8 0.25% of ash, and not more than 8% sucrose.
- 9 (21) "Label" means a display of written, printed, or graphic matter on the immediate container of an
- 10 article. "Immediate container" does not include package liners.
- 11 (22) "Labeling" means labels and other written, printed, or graphic matter:
- 12 (a) on an article or its containers or wrappers;
- 13 (b) accompanying the article.
- 14 (23) "Menu" means a list presented to the patron that states the food items for sale in a food service
- 15 establishment.
- 16 (24) "New drug" means a drug, the composition of which:
- 17 (a) is not generally recognized among experts qualified by scientific training and experience to
- 18 evaluate the safety and effectiveness of drugs as safe and effective for use under the conditions prescribed,
- 19 recommended, or suggested in the new drug's labeling; or
- 20 (b) has become recognized as a result of investigations to determine the new drug's safety and
- 21 effectiveness for use under the conditions prescribed but has not, other than in the investigations, been used to
- 22 a material extent or for a material time under the conditions prescribed.
- 23 (25) "Official compendium" means the official United States Pharmacopoeia, official National
- 24 Formulary, or a supplement to either of these.
- 25 (26) (a) "Package" means a container or wrapping in which a consumer commodity is enclosed for
- 26 use in the delivery or display of that consumer commodity to retail purchasers.
- 27 (b) The term does not include:
- 28 (i) shipping containers or wrappings used solely for the transportation of a consumer commodity in

1 bulk or in quantity to manufacturers, packers, or processors or to wholesale or retail distributors;
2 (ii) shipping containers or outer wrappings used by retailers to ship or deliver a commodity to retail
3 customers if the containers and wrappings bear no printed matter pertaining to a particular commodity.

4 (27) "Person" includes an individual, partnership, corporation, and association.

5 (28) "Pesticide chemical" means a substance that alone, in chemical combination, or in formulation
6 with one or more other substances is an "economic poison" under the Federal Insecticide, Fungicide, and
7 Rodenticide Act (7 U.S.C. 136, et seq.), as amended, and that is used in the production, storage, or
8 transportation of raw agricultural commodities.

9 (29) "Placard" means a nonpermanent sign used to display or describe food items for sale in a food
10 service establishment or retail meat establishment.

11 (30) "Principal display panel" means that part of a label that is most likely to be displayed,
12 presented, shown, or examined under normal and customary conditions of display for retail sale.

13 (31) "Processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating,
14 extracting, cutting, freezing, or otherwise manufacturing a food or changing the physical characteristics of a
15 food and the enclosure of the food in a package.

16 (32) "Raw agricultural commodity" has the meaning as provided in 50-50-102.

17 (33) "Retail meat establishment" means a commercial establishment at which meat or meat
18 products are displayed for sale or provision to the public, with or without charge.

19 (34) "Synthetically compounded" means a product formulated by a process that chemically changes
20 a material or substance extracted from naturally occurring plant, animal, or mineral sources, except for
21 microbiological processes."

22

23 **Section 4.** Section 50-31-203, MCA, is amended to read:

24 **"50-31-203. When food misbranded.** A food is considered to be misbranded if:

25 (1) its labeling is false or misleading in any particular;

26 (2) it is offered for sale under the name of another food;

27 (3) it is an imitation of another food for which a definition and standard of identity has been

28 prescribed by regulations as provided by 50-31-201 or if it is an imitation of another food that is not subject to

1 subsection (7) of this section, unless its label bears in type of uniform size and prominence the word imitation
2 and, immediately after that word, the name of the food imitated;

3 (4) its container is made, formed, or filled in a manner that is misleading;

4 (5) it is in package form, unless it bears a label containing:

5 (a) the name and place of business of the manufacturer, packer, or distributor;

6 (b) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical
7 count; provided that reasonable variations must be permitted and exemptions as to small packages must be
8 established by regulations prescribed by the department;

9 (6) any word, statement, or other information required by or under authority of this chapter to
10 appear on the label or labeling is not prominently placed on the label or labeling with such conspicuousness (as
11 compared with other words, statements, designs, or devices in the labeling) and in terms that render it likely to
12 be read and understood by the ordinary individual under customary conditions of purchase and use;

13 (7) it purports to be or is represented as a food for which a definition and standard of identity have
14 been prescribed by regulations as provided by 50-31-201, unless:

15 (a) it conforms to that definition and standard; and

16 (b) its label bears the name of the food specified in the definition and standard and, as may be
17 required by the regulations, the common names of optional ingredients (other than spices, flavoring, and
18 coloring) present in the food;

19 (8) it purports to be or is represented as:

20 (a) a food for which a standard of quality has been prescribed by regulations as provided by 50-31-
21 201 and its quality falls below that standard, unless its label bears, in a manner and form that the regulations
22 specify, a statement that it falls below that standard; or

23 (b) a food for which a standard or standards of fill of container have been prescribed by regulation
24 as provided by 50-31-201 and it falls below the standard of fill of container applicable, unless its label bears, in
25 a manner and form that the regulations specify, a statement that it falls below that standard;

26 (9) it is not subject to the provisions of subsection (7) unless it bears labeling clearly giving:

27 (a) the common or usual name of the food, if there is one; and

28 (b) in case it is fabricated from two or more ingredients, the common or usual name of each

1 ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as
2 spices, flavorings, and colorings without naming each. To the extent that compliance with the requirements of
3 this subsection (9)(b) is impractical or results in deception or unfair competition, exemptions must be
4 established by regulations promulgated by the department. The requirements of this subsection (9)(b) do not
5 apply to food products that are packaged at the direction of purchasers at retail at the time of sale, the
6 ingredients of which are disclosed to the purchasers by other means in accordance with regulations
7 promulgated by the department.

8 (10) it purports to be or is represented for special dietary uses, unless its label bears information
9 concerning its vitamin, mineral, and other dietary properties that the department determines to be and by
10 regulations prescribes as necessary in order to fully inform purchasers as to its value for special dietary uses;

11 (11) it bears or contains any artificial flavoring, artificial coloring, or chemical preservative unless it
12 bears labeling stating that fact. To the extent that compliance with the requirements of this subsection is
13 impracticable, exemptions must be established by regulations promulgated by the department. Butter, cheese,
14 ice cream, and frozen desserts as described in 81-22-101 are exempt from label statements for artificial
15 flavoring and artificial coloring.

16 (12) it is a product intended as an ingredient of another food and when used according to the
17 directions of the purveyor will result in the final food product being adulterated or misbranded;

18 (13) it is a color additive, unless its packaging and labeling are in conformity with packaging and
19 labeling requirements applicable to that color additive prescribed under the provisions of the federal act;

20 ~~(14) it is a cell-cultured edible product labeled as meat but does not meet the definition of meat in~~
21 ~~81-9-217. A cell-cultured edible product derived from meat muscle cells, fat cells, connective tissue, blood, or~~
22 ~~other meat components is not considered to be misbranded if it is labeled in accordance with 50-31-103 to~~
23 ~~indicate it is derived from those cells, tissues, blood, or components."~~

24

25 **SECTION 5.** SECTION 50-31-501, MCA, IS AMENDED TO READ:

26 **"50-31-501. Prohibited acts.** The following acts and the causing of the acts within the state of
27 Montana are prohibited:

28 (1) the manufacture, sale or delivery, holding, or offering for sale of any food, drug, device, or

1 cosmetic that is adulterated or misbranded;

2 (2) the adulteration or misbranding of any food, drug, device, or cosmetic;

3 (3) the receipt in commerce of any food, drug, device, or cosmetic that is adulterated or
4 misbranded and the delivery or proffered delivery of any food, drug, device, or cosmetic for pay or otherwise;

5 (4) the sale, delivery for sale, holding for sale, or offering for sale of any article in violation of 50-
6 31-311;

7 (5) the dissemination of any false advertisement;

8 (6) the manufacture, sale or delivery, holding, or offering for sale of cell-cultured edible product
9 pursuant to [section 1];

10 ~~(6)~~ (7) the refusal to permit entry or inspection or to permit the taking of a sample, as authorized by
11 50-31-106;

12 ~~(7)~~ (8) the giving of a guaranty or undertaking if the guaranty or undertaking is false, except by a
13 person who relied on a guaranty or undertaking signed by and containing the name and address of a person
14 residing in the state of Montana and from whom the person received in good faith the food, drug, device, or
15 cosmetic;

16 ~~(8)~~ (9) the removal or disposal of a detained or embargoed article in violation of 50-31-509;

17 ~~(9)~~ (10) the alteration, mutilation, destruction, obliteration, or commission of any other act with respect
18 to a food, drug, device, or cosmetic or the removal, in whole or in part, of the labeling of a food, drug, device, or
19 cosmetic if the act is done while the article is held for sale and results in the article being adulterated or
20 misbranded;

21 ~~(10)~~ (11) forging, counterfeiting, simulating, or falsely representing or, without proper authority,
22 using any mark, stamp, tag, label, or other identification device authorized or required by regulations
23 promulgated under the provisions of this chapter or federal act;

24 ~~(11)~~ (12) using on the labeling of any drug or in any advertisement relating to the drug any
25 representation or suggestion that an application with respect to the drug is effective under 50-31-311 or that the
26 drug complies with the provisions of 50-31-311;

27 ~~(12)~~ (13) in the case of a prescription drug distributed or offered for sale in this state, the failure
28 of the manufacturer, packer, or distributor to maintain for transmittal or to transmit to any practitioner, licensed

1 by applicable law to administer the drug and who makes written request for information as to the drug, true and
2 correct copies of all printed matter that is required to be included in any package in which that drug is
3 distributed or sold or other printed matter as is approved under the federal act. This subsection does not
4 exempt any person from any labeling requirement imposed by or under other provisions of this chapter.

5 ~~(13)~~ (14) placing or causing to be placed upon any drug, device, or container of a drug or device,
6 with intent to defraud, the trade name, other identifying mark, or imprint of another or any likeness of the name,
7 mark, or imprint;

8 ~~(14)~~ (15) selling, dispensing, disposing of, or causing to be sold, dispensed, or disposed of or
9 concealing or keeping in possession, control, or custody, with intent to sell, dispense, or dispose of, any drug,
10 device, or any container of the drug or device with knowledge that the trade name, other identifying mark, or
11 imprint of another or any likeness of any of the foregoing has been placed on the drug, device, or container in a
12 manner prohibited by subsection ~~(13)~~ (14);

13 ~~(15)~~ (16) making, selling, disposing of, or causing to be made, sold, or disposed of or keeping in
14 possession, control, or custody or concealing, with intent to defraud, any punch, die, plate, or other thing
15 designed to print, imprint, or reproduce a trade name, other identifying mark, or imprint of another or any
16 likeness of the name, mark, or imprint upon any drug, device, or container of the drug or device;

17 ~~(16)~~ (17) the using by any person to the person's own advantage or revealing, other than to
18 officers or employees of the department or the courts when relevant in any judicial proceeding under this
19 chapter, any information acquired under authority of this chapter concerning any method or process that as a
20 trade secret is entitled to protection;

21 ~~(17)~~ (18) the distribution in commerce of a consumer commodity if the commodity is contained in
22 a package or if there is affixed to that commodity a label that does not conform to the provisions of this chapter
23 and of regulations promulgated under authority of this chapter. This prohibition does not apply to persons
24 engaged in business as wholesale or retail distributors of consumer commodities except to the extent that the
25 persons:

26 (a) are engaged in the packaging or labeling of the commodities; or

27 (b) prescribe or specify by any means the manner in which the commodities are packaged or
28 labeled.

1 ~~(18)~~ (19) the labeling or packaging of a food, drug, device, or cosmetic that fails to conform with
2 the requirements of this chapter."

3

4 **Section 6.** Section 81-9-217, MCA, is amended to read:

5 **"81-9-217. Definitions.** As used in 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236, the
6 following definitions apply:

7 (1) "Adulterated" means the term applied to meat if:

8 (a) it bears or contains a poisonous or deleterious substance that may render it injurious to health,
9 except that if the substance is not an added substance, the product may not be considered adulterated if the
10 quantity of the substance is insufficient to ordinarily render it injurious to health;

11 (b) it bears or contains, by reason of administration of any substance to the meat, an added
12 poisonous or added deleterious substance other than a color additive, a food additive, or a pesticide chemical
13 in or on a raw agricultural commodity, any of which may in the board's judgment make the meat unfit for human
14 food;

15 (c) it is in whole or in part a raw agricultural commodity and bears or contains a pesticide chemical
16 that is unsafe as provided in the Federal Food, Drug and Cosmetic Act;

17 (d) it bears or contains a food additive that is unsafe as provided in the Federal Food, Drug and
18 Cosmetic Act;

19 (e) it bears or contains a color additive that is unsafe as provided in the Federal Food, Drug and
20 Cosmetic Act; however, the meat that is not otherwise considered adulterated under subsection (1)(c), (1)(d), or
21 (1)(e) is considered adulterated if use of the pesticide chemical, food additive, or color additive in or on the
22 article is prohibited by rule of the board;

23 (f) it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other
24 reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

25 (g) it has been prepared, packed, or held under unsanitary conditions whereby it may have
26 become contaminated with filth or rendered injurious to health;

27 (h) it is in whole or in part the product of an animal, including poultry, that has died otherwise than
28 by slaughter;

1 (i) its container is composed in whole or in part of any poisonous or deleterious substance that
2 may render the contents injurious to health;

3 (j) it has been intentionally subjected to radiation, unless the use of the radiation was in conformity
4 with a regulation or exemption in effect pursuant to 21 U.S.C. 348; or

5 (k) any valuable constituent has been in whole or in part omitted or abstracted from the meat, any
6 substance has been substituted wholly or in part for meat, damage or inferiority has been concealed in any
7 manner, or any substance has been added to it or mixed or packed with it so as to increase its bulk or weight or
8 make it appear better or of greater value than it is.

9 (2) "Cell-cultured edible product" ~~means the concept of meat, including but not limited to muscle~~
10 ~~cells, fat cells, connective tissue, blood, and other components produced via cell culture, rather than from a~~
11 ~~whole slaughtered animal~~ has the same meaning as provided in 50-31-103.

12 (3) "Chief" means the chief meat inspector appointed as provided in 81-9-226.

13 (4) "Federal Food, Drug and Cosmetic Act" means 21 U.S.C. 301 through 392, as that law read on
14 October 1, 1987.

15 (5) "Livestock" means cattle, buffalo, sheep, swine, goats, horses, and mules or other equines,
16 whether alive or dead.

17 (6) "Livestock product" or "poultry product" means a product capable of use as human food that is
18 wholly or partially made from meat and is not specifically exempted by rule of the board.

19 (7) "Meat" means the edible flesh of livestock or poultry and includes livestock and poultry
20 products. This term does not include cell-cultured edible products as defined in this section.

21 (8) "Misbranded" means the term applied to meat:

22 (a) if its labeling is false or misleading in any particular;

23 (b) if it is offered for sale under the name of another food;

24 ~~(c) if it is not entirely derived from the edible flesh of livestock or poultry or livestock and poultry~~
25 ~~products. A cell-cultured edible product derived from meat muscle cells, fat cells, connective tissue, blood, or~~
26 ~~other meat components is not considered to be misbranded if it is labeled in accordance with 50-31-103 to~~
27 ~~indicate it is derived from those cells, tissues, blood, or components.~~

28 ~~(d)~~(c) if it is an imitation of a meat product, unless its label bears, in type of uniform size and

1 prominence, the word "imitation" and immediately thereafter the name of the food being imitated;

2 ~~(e)~~(d) if its container is so made, formed, or filled as to be misleading;

3 ~~(f)~~(e) if it does not bear a label showing:

4 (i) the name and place of business of the manufacturer, packer, or distributor; and

5 (ii) an accurate statement of the quantity of the product in terms of weight, measure, or numerical
6 count. The board may adopt rules exempting small meat packages, meat not in containers, and other
7 reasonable variations.

8 ~~(g)~~(f) if any word, statement, or other information required by 81-9-216 through 81-9-220 and 81-9-
9 226 through 81-9-236 to appear on the label is not prominently placed on the label, as compared with other
10 words, statements, designs, or devices in the labeling, and is not stated in terms that render it likely to be read
11 and understood by the ordinary individual under customary conditions of purchase and use;

12 ~~(h)~~(g) if it is represented as a food for which a definition and standard of identity or composition has
13 been prescribed by the rules of the board, unless:

14 (i) it conforms to the definition and standard; and

15 (ii) its label bears the name of the food specified in the definition and standard and, if required by
16 the rules, the common names of optional ingredients present in the food, other than spices, flavoring, and
17 coloring;

18 ~~(i)~~(h) if it is represented as a food for which a standard of fill of container has been prescribed by
19 rules of the board and it falls below the standard of fill of container applicable to the food, unless its label bears,
20 in the manner and form that the rules specify, a statement that it falls below the standard;

21 ~~(j)~~(i) if it is not subject to the provisions of subsection ~~(8)(h)~~ ~~(8)(g)~~, unless its label bears:

22 (i) the common or usual name of the food, if any; and

23 (ii) in case it is fabricated from two or more ingredients, the common or usual name of each
24 ingredient, except that spices, flavorings, and colorings may, when authorized by the board, be designated as
25 spices, flavorings, and colorings without naming each. To the extent that compliance with the requirements of
26 this subsection ~~(8)(j)(ii)~~ ~~(8)(i)(ii)~~ is impracticable or results in deception or unfair competition, exemptions must
27 be established by rules promulgated by the board.

28 ~~(k)~~(j) if it purports to be for special dietary uses, unless its label bears information concerning its

1 vitamin, mineral, and other dietary properties as the board, after consultation with the U.S. secretary of
2 agriculture, by rule prescribes as necessary in order to fully inform purchasers as to its value for those uses;
3 ~~(j)~~(k) if it bears or contains an artificial flavoring, artificial coloring, or chemical preservative, unless it
4 bears labeling stating that fact, provided that to the extent that compliance with the requirements of this
5 subsection ~~(8)(j)~~ (8)(k) is impracticable, exemptions must be established by rules promulgated by the board; or
6 ~~(m)~~(l) if it fails to bear directly on the meat and on its containers, as the board may by rule prescribe,
7 the official inspection legend and establishment number of the establishment where the product was prepared
8 and other information that the board may require to ensure that it will not have false or misleading labeling and
9 that the public will be informed of the manner of handling required to maintain the meat in a wholesome
10 condition.

11 (9) (a) "Mobile slaughter facility" means a mobile unit that is operated by a person licensed by the
12 board to slaughter livestock or poultry, that is capable of providing onsite slaughter services for the owner of the
13 livestock or poultry, and at which inspection of the slaughter of livestock or poultry or the preparation of meat
14 food products is regulated under 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236.

15 (b) The term does not mean a person engaged in custom slaughtering as provided in 81-9-218(2).

16 (10) "Official establishment" means an establishment licensed by the board at which inspection of
17 the slaughter of livestock or poultry or the preparation of meat food products is maintained under 81-9-216
18 through 81-9-220 and 81-9-226 through 81-9-236. The term includes a mobile slaughter facility.

19 (11) "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" have
20 the same meanings as provided in 21 U.S.C. 321.

21 (12) "Poultry" means any domesticated bird, whether alive or dead.

22 (13) "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise
23 manufactured or processed."

24
25 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 and 2] are intended to be codified
26 as a new AN INTEGRAL part in ~~Title 30, chapter 12, OF TITLE 50, CHAPTER 31, PART 5,~~ and the provisions of Title
27 ~~30, chapter 12, TITLE 50, CHAPTER 31, PART 5,~~ apply to [sections 1 and 2].

28 - END -