

HOUSE BILL REPORT

HB 2696

As Reported by House Committee On:
Rural Development, Agriculture, & Natural Resources

Title: An act relating to misbranding of meat and poultry products.

Brief Description: Concerning the misbranding of meat and poultry products.

Sponsors: Representatives Dent, Blake, McCaslin, Callan, Eslick, Springer, Griffey, Boehnke, Maycumber, Dye, Chandler, Kretz and Schmick.

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 1/29/20, 2/5/20 [DPS].

Brief Summary of Substitute Bill

- Provides that a food is considered misbranded if it is a meat analogue product with labeling that uses an identifiable meat term and does not contain certain disclaimers identifying the product as either imitation or not containing meat.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Pettigrew, Ramos, Schmick and Springer.

Minority Report: Without recommendation. Signed by 2 members: Representatives Orcutt and Walsh.

Staff: Rebecca Lewis (786-7339).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Washington State Department of Agriculture (WSDA) Food Safety Program provides professional technical assistance, food safety public health inspections, licensing services, and food recall assistance for:

- food processors;
- dairy farms and milk producers;
- milk processors;
- food warehouses;
- pastured chicken slaughterers;
- egg handlers and dealers;
- food storage lockers;
- custom meat operations; and
- food companies that are not handled by local county health official jurisdictions.

Food businesses licensed by the State of Washington to produce, warehouse, process, market, sell, and distribute product are required to follow the safe food production, management and handling practice specified in the Washington Food, Drug, and Cosmetic Act and other applicable federal and state food safety laws and regulations depending on the type of activity the food business performs.

A person may not:

- cause or intend to cause misbranded food in intrastate commerce;
- sell, process, or store misbranded food in intrastate commerce; or
- receive, for the purpose of sale in intrastate commerce, food known to be misbranded.

Food is misbranded if it would be considered misbranding under the Federal Food, Drug, and Cosmetic Act, falsely represents its place of origin, or is not labeled and packaged in accordance with WSDA rules. Under federal law, labels on imitation foods must contain the word "imitation" immediately preceding the name of the food imitated in the same font, style, and size. The WSDA may impose civil or criminal penalties for misbranding violations.

Summary of Substitute Bill:

A meat analogue product is considered misbranded under the Washington Food, Drug, and Cosmetic Act if its labeling uses an identifiable meat term and does not contain a disclaimer in the same font, style, and size indicating that the food is "imitation" consistent with federal labeling requirements, or does not contain a word or phrase indicating that the food does not contain meat. Examples of such phrases include "plant-based," "veggie," or "meat-free." If a person violates this provision, the WSDA may impose civil or criminal penalties under the existing provisions that prohibit the misbranding of products in intrastate commerce.

"Identifiable meat term" includes, but is not limited to, terms such as meat, beef, pork, poultry, chicken, turkey, lamb, goat, jerky, steak, hamburger, burger, ribs, roast, bacon, bratwurst, hot dog, ham, sausage, tenderloin, wings, breast, and other terms for food that contain any meat, meat food product, poultry product, or poultry food product.

A severability clause is included.

Substitute Bill Compared to Original Bill:

The requirement that meat analogue food product labeling contain the specific phrase "this product does not contain meat" is removed. Instead, meat analogue food product labeling must contain at least one of several possible words or phrases, or their comparable qualifiers, that indicate that the product does not contain meat.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Proper product labeling is important to help consumers make informed choices about their food. Currently, some labeling of meat substitutes can be deceptive or confusing. This is not about getting involved in other people's choices or discouraging the consumption of meatless products. There has been an attempt made to craft a bill that is both helpful to consumers and avoids legal liability, but proponents are open to considering amendment language.

(Opposed) None.

(Other) The plant-based meat substitute industry is growing at a rapid pace, and products should be labeled clearly. No other state requires specific phrasing on labels of plant-based products. The Washington Food Industry Association opposes the bill in its current form. There is support for proposed amendment language. Various players in the food industry move products between states, so there is concern about Washington-specific labeling requirements. Standardization in labeling would be helpful and possibly avoid legal issues.

Persons Testifying: (In support) Representative Dent, prime sponsor; Mark Streuli, Washington Cattlemen's Association; and Scott Nielson, Cattle Producers of Washington.

(Other) Catherine Holm, Washington Food Industry Association; Dan Colgrove, Plant Based Foods Association; and Holly Chisa, Northwest Grocery Association.

Persons Signed In To Testify But Not Testifying: None.