
HOUSE BILL 1909

State of Washington

67th Legislature

2022 Regular Session

By Representatives Dent, Pollet, Graham, Callan, and Young

Read first time 01/11/22. Referred to Committee on Rural Development, Agriculture & Natural Resources.

1 AN ACT Relating to the misbranding of meat and poultry products;
2 amending RCW 15.130.110; adding a new section to chapter 15.130 RCW;
3 adding a new section to chapter 15.04 RCW; and creating a new
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that it is important
7 for consumers to know what they are purchasing and eating. In this
8 era of increasing technology, meat substitutes, both plant-based and
9 lab-cultured, are becoming increasingly popular. The legislature
10 finds that it is important to ensure food labels are clear and
11 unmistakable. Food labeling is regulated federally, but the
12 legislature repeats the statement from the United States government
13 accountability office that "federal regulators still lack information
14 on technology, production methods, and composition of any final
15 cultured cell products." Meat terminology is often used for vegan and
16 vegetarian meat substitutes. Additionally, meat imported from other
17 countries has also become exceedingly more available as the global
18 economy grows. The legislature finds that it is important to clearly
19 mark what is traditional United States-grown meat, what is a meat
20 analogue, and what is cultured cell-based meat.

1 **Sec. 2.** RCW 15.130.110 and 2018 c 236 s 102 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Advertisement" means all representations, other than by
6 labeling, that directly or indirectly induce, or are likely to
7 induce, the purchase of food.

8 (2) "Carrier" means a person who undertakes the professional
9 conveyance of food.

10 (3) "Color additive" means the same as "color additive" in 21
11 U.S.C. Sec. 321.

12 (4) "Direct seller" means an entity that: (a) Receives
13 prepackaged food from a food processor licensed or inspected, or
14 both, by a state or federal regulatory agency or the department; (b)
15 delivers the food directly to consumers who placed and paid for an
16 order on the entity's website; (c) delivers food without opening the
17 packaging and without dividing it into smaller packages; (d) provides
18 no interim storage; and (e) delivers the food by means of vehicles
19 equipped with either refrigeration or freezer units, or both. A
20 direct seller is not a "carrier" under this chapter.

21 (5) "Food" means the same as "food" in 21 U.S.C. Sec. 321 and
22 includes any article used for food or drink by humans or other
23 animals.

24 (6) "Food additive" means the same as "food additive" in 21
25 U.S.C. Sec. 321.

26 (7) "Food facility" means any part of an operation, factory,
27 establishment, or vehicle engaged in the sale, processing, storage,
28 transport, or holding of food in intrastate commerce. A food facility
29 includes, but is not limited to, grounds, premises, buildings, room,
30 area, facilities, vehicles, appurtenances, and equipment.

31 (8) "Fish" means fresh or saltwater finfish and other forms of
32 aquatic animal life intended for human consumption other than
33 mollusks, birds, and mammals.

34 (9) "Intrastate commerce" means all commerce, including but not
35 limited to the operation of any business or service establishment;
36 and the manufacturing or processing of articles intended for sale,
37 held for sale, sold, stored, transported, handled, or distributed in
38 Washington state.

39 (10) "Label," "labeling" means the same as "label" and "labeling"
40 in 21 U.S.C. Sec. 321.

1 (11) "Perishable packaged food" means all food intended for human
2 consumption that is canned, bottled, or packaged at a time other than
3 at the point of retail sale, has a risk of spoilage within thirty
4 days, and is determined by the department in rule to be perishable.
5 The term does not include raw agricultural commodities, alcoholic
6 beverages, frozen foods, fresh meat, fresh poultry, fresh fish, and
7 fresh shellfish.

8 (12) "Pesticide chemical" means any substance defined as a
9 pesticide in chapter 15.58 RCW or recognized as a pesticide chemical
10 under 21 U.S.C. Sec. 346.

11 (13) "Process," "processing" means manufacturing, processing,
12 packing, canning, bottling, or any other production, preparation, or
13 putting up.

14 (14) "Pull date" means the latest date a perishable packaged food
15 may be offered for sale to the public.

16 (15) "Raw agricultural commodity" means the same as "raw
17 agricultural commodity" in 21 U.S.C. Sec. 321.

18 (16) "Sale," "sell," "selling" means all parts of transactions
19 concerning food including, but not limited to, advertising, offering,
20 acceptance, dispensing, giving, delivering, serving, bartering,
21 trading, or other supplying, holding for sale, and preparing for
22 sale.

23 (17) "Shelf life" means the length of time a perishable packaged
24 food retains its safe consumption quality if stored under proper
25 temperature conditions.

26 (18) "Shellfish" means all crustaceans and mollusks intended for
27 human consumption.

28 (19) "Storage" and "store" means holding, storing, or any other
29 possessing.

30 (20) "Finfish product" means the product from fresh or saltwater
31 finfish and other forms of aquatic animal life other than
32 crustaceans, mollusks, birds, and mammals intended for human
33 consumption.

34 (21) "Identifiable meat term" includes, but is not limited to,
35 terms such as meat, beef, pork, poultry, chicken, turkey, fish,
36 salmon, tuna, flounder, halibut, lamb, goat, jerky, steak, hamburger,
37 burger, ribs, roast, bacon, bratwurst, hot dog, ham, sausage,
38 tenderloin, wings, breast, and other terms for food that contain any
39 meat, meat food product, poultry product, or poultry food product.

1 (22) (a) "Meat product" means the part of the muscle of any
2 cattle, sheep, swine, or goats born, raised, and harvested in the
3 traditional manner that is skeletal or that is found in the tongue,
4 diaphragm, heart, or esophagus, with or without the accompanying and
5 overlying fat, and the portions of bone (in bone-in products such as
6 T-bone or porterhouse steak), skin, sinew, nerve, and blood vessels
7 that normally accompany the muscle tissue and that are not separated
8 from it in the process of dressing.

9 (b) (i) "Meat product" does not include the muscle found in the
10 lips, snout, or ears.

11 (ii) "Meat product" may not include significant portions of bone,
12 including hard bone and related components, such as bone marrow, or
13 any amount of brain, trigeminal ganglia, spinal cord, or dorsal root
14 ganglia.

15 (23) "Poultry food product" means any product capable of use as
16 human food that is made in part from any poultry carcass or part
17 thereof, excepting those exempted from definition as a poultry
18 product in 9 C.F.R. Sec. 381.15.

19 (24) "Poultry product" includes: Any poultry carcass or part
20 thereof from poultry born, raised, and harvested in the traditional
21 manner; or any product that is made wholly or in part from any
22 poultry carcass or part thereof, excepting those exempted from
23 definition as a poultry product in 9 C.F.R. Sec. 381.15. Except where
24 the context clearly requires otherwise, "poultry product" is limited
25 to articles capable of use as human food.

26 NEW SECTION. Sec. 3. A new section is added to chapter 15.130
27 RCW under the subchapter heading "special quality or labeling
28 requirements" to read as follows:

29 (1) A food is considered misbranded under RCW 15.130.210 if it is
30 a meat, poultry, or finfish analogue that is not a meat or poultry
31 product from meat or poultry born, raised, and harvested in a
32 traditional manner or a finfish product and the food's:

33 (a) Labeling or advertisement utilizes an identifiable meat term;
34 and

35 (b) Labeling or advertisement does not clearly indicate that the
36 product does not contain a meat, poultry, or finfish product by using
37 one or more of the following words or phrases or a comparable
38 qualifier including, but not limited to, "plant-based," "vegan,"

1 "meatless," "meat-free," "vegetarian," "veggie," "made from plants,"
2 "veggie-based," "cell-based," "cultured," or "lab-grown."

3 (2) A food labeled as "imitation" in compliance with 21 C.F.R.
4 Sec. 101.3(e) (2019) is not subject to the provisions of subsection
5 (1) of this section.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 15.04
7 RCW to read as follows:

8 (1) A retailer who sells beef or offers beef for sale that is
9 raised and processed in Washington state must make an effort to
10 display information that is clearly visible and readily viewable by
11 the public and placed in the immediate vicinity of the beef to
12 designate and display the beef as "U.S.A. beef" if the beef is
13 derived exclusively from animals that are either:

14 (a) Born, raised, and harvested exclusively in the United States;
15 or

16 (b) Born and raised exclusively in the United States and
17 transported for a period of time not more than 60 days through any
18 other country and harvested in the United States.

19 (2) The retailer is only required to comply with subsection (1)
20 of this section if the Washington state beef shipped to the retailer
21 is clearly marked as to its origin and is accompanied with a placard
22 or similar signage compatible with the display case of the retailer.

23 (3) The department may adopt rules as
24 necessary to implement this section.

25 (4) The definitions in this subsection apply throughout this
26 section unless the context clearly requires otherwise.

27 (a)(i) "Beef" means meat from cattle born, raised, and harvested
28 in a traditional manner, including veal, specifically, the edible
29 part of the muscle of an animal that is skeletal or that is found in
30 the tongue, diaphragm, heart, or esophagus, with or without the
31 accompanying or overlying fat, and the portions of the bone, skin,
32 sinew, nerve, and blood vessels that normally accompany the muscle
33 tissue and that are not separated from it in the process of dressing.
34 "Beef" includes chopped or ground beef.

35 (ii) "Beef" does not include the muscle found in the lips, snout,
36 or ears, nor any edible part of the muscle that has been
37 manufactured, cured, smoked, cooked, or processed.

1 (b) "Retailer" means a person regularly engaged in the business
2 of selling meat at retail to the public and selling only to the user
3 or consumer and not for resale.

4 NEW SECTION. **Sec. 5.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

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