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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30219-MHa-17

Short Title: Food Labeling Transparency Act.

(Public)

Sponsors: Representative Gillespie.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT THE MISBRANDING OF CERTAIN FOOD PRODUCTS.
The General Assembly of North Carolina enacts:

REQUIRE LABELING OF MANUFACTURED-PROTEIN MEAT PRODUCTS

SECTION 1.(a) G.S. 106-549.15 reads as rewritten:

"§ 106-549.15. Definitions.

As used in this Article, except as otherwise specified, the following terms shall have the meanings stated below:

...

(1a) "Agricultural food animal" means a domesticated animal belonging to the bovine, caprine, ovine, or porcine species.

...

(5a) "Cell-cultured food product" means a food product having one or more sensory attributes that resemble a type of tissue originating from an agricultural food animal but that, in lieu of being derived from meat processing, is derived from manufacturing cells, in which one or more stem cells are initially isolated from an agricultural food animal, are grown in vitro, and may be manipulated, as part of a manufacturing operation.

(5b) "Close proximity" means any of the following:

- a. Immediately before or after the name of the product.
- b. In the line of the label immediately before or after the line containing the name of the product.
- c. Within the same phrase or sentence containing the name of the product.

...

(9a) "Identifying meat term" means any word or phrase that states, indicates, suggests, or describes a meat product, regardless of whether the word or phrase is used individually, as a portmanteau, or as a compound word. This term includes all of the following:

- a. A common name for the species of the agricultural food animal subject to slaughter and processing, including a calf or cow, goat or kid, hog or pig, lamb, or sheep.
- b. A common name for a characteristic of a species of the agricultural food animal subject to slaughter and processing based on age, breed, or sex.



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- c. Meat; beef or veal; cabrito or chevon; lamb or mutton; or pork.
- d. A common name used to describe a major cut of a meat of an agricultural food animal slaughtered and processed, including a major meat cut specified in 9 C.F.R. § 317.344, or the common name of an organ or offal, including heart, liver, kidney, or tongue.
- e. Any other common name that a reasonable purchaser would immediately and exclusively associate with a meat product prepared for sale in normal commercial channels such as bacon, baloney, bologna, bone, brat or bratwurst, brisket, burger or hamburger, butt, chop, chuck, cold cut, cutlet, filet, flat iron, frank or frankfurter, ham, hock, hot dog, jerky, liverwurst, loin, London broil, lunch meat, New York strip, pepperoni, porterhouse, ribeye, roast, rib or sparerib, salami, sausage, shank, sirloin, tenderloin, or a comparable word or phrase.
- (9b) "Insect-protein food product" means a food product having one or more sensory attributes that resemble a type of tissue originating from an agricultural food animal but that, in lieu of being derived from meat processing, is manufactured from insect parts.
- ...
- (12a) "Manufactured-protein food product" means a cell-cultured food product or insect-protein food product.
- ...
- (14) "Meat food product" means any product capable of use as human food that is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, goats, bison, fallow deer, or red deer, or any cell-cultured food product made from cells of those animals, excepting products that contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and that are exempted from definition as a meat food product by the Board under such conditions as it may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this subdivision with respect to cattle, sheep, swine, goats, and bison.
- (15) "Misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:
- a. If its labeling is false or misleading in any particular;
- b. If it is offered for sale under the name of another food;
- c. If it is imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
- ...
- m. The product is a cell-cultured food product and it is not labeled in accordance with G.S. 106-549.28A.
- ...
- (21a) "Qualifying term" means a word, compound word, or phrase that would clearly disclose to a reasonable purchaser of meat products that a food product is not a meat product. This includes the following terms: "cell-cultured," "cultivated," "cell-cultivated," "fake," "grown in a lab," "insect," "insect-based," "insect-protein," "lab-created," or "lab-grown."

(21b) "Ratite" means a bird whose breastbone is smooth so that flight muscles cannot attach, such as an ostrich, an emu, and a rhea. These birds are subject to the provisions of this Article and Article 49C to the same extent as any other meat food product.

...."

SECTION 1.(b) Article 49B of Chapter 106 of the General Statutes is amended by adding a new section to read:

"§ 106-549.28A. Labeling of manufactured-protein food products.

(a) The label of any manufactured-protein food product that contains an identifying meat term shall also contain an appropriate qualifying term in prominent type and in close proximity to the name of the product.

(b) A manufactured-protein food product that does not meet the requirements of this section shall be deemed misbranded for purposes of this Article, provided that the Commissioner shall not enforce the prohibition set forth in G.S. 106-549.23(3) with respect to a product deemed misbranded under this section against any person other than the manufacturer of the manufactured-protein food product."

SECTION 1.(c) This section becomes effective October 1, 2025, and applies to products sold or offered for sale on or after that date.

REQUIRE LABELING OF MANUFACTURED-PROTEIN POULTRY PRODUCTS

SECTION 2.(a) G.S. 106-549.51 reads as rewritten:

"§ 106-549.51. Definitions.

For purposes of this Article, the following terms shall have the meanings stated below:

...

(4a) "Cell-cultured food product" means a food product having one or more sensory attributes that resemble a type of tissue originating from poultry but that, in lieu of being derived from meat processing, is derived from manufacturing cells, in which one or more stem cells are initially isolated from poultry, are grown in vitro, and may be manipulated, as part of a manufacturing operation.

(4b) "Close proximity" means any of the following:

- a. Immediately before or after the name of the product.
- b. In the line of the label immediately before or after the line containing the name of the product.
- c. Within the same phrase or sentence containing the name of the product.

...

(10a) "Identifying poultry term" means any word or phrase that states, indicates, suggests, or describes a poultry product, regardless of whether the word or phrase is used individually, as a portmanteau, or as a compound word. This term includes all of the following:

- a. A common name for the species of the poultry subject to slaughter and processing, including chicken, poultry, or turkey.
- b. A common name for a characteristic of a species of the poultry subject to slaughter and processing based on age, breed, or sex.
- c. Meat, broiler, fryer, poulet, or yearling.
- d. A common name used to describe a major cut of poultry slaughtered and processed, including a poultry product such as breast, drumstick, giblet, thigh, or wing; or the common name of an organ or offal, including gizzard, heart, liver, kidney, or tongue.

e. Any other common name that a reasonable purchaser would immediately and exclusively associate with a poultry product prepared for sale in normal commercial channels.

...

(11a) "Insect-protein food product" means a food product having one or more sensory attributes that resemble a type of tissue originating from poultry but that, in lieu of being derived from meat processing, is manufactured from insect parts.

...

(16a) "Manufactured-protein food product" means a cell-cultured food product, or insect-protein food product.

(17) "Misbranded" shall apply to any poultry product under one or more of the following circumstances:

- a. If its labeling is false or misleading in any particular;
- b. If it is offered for sale under the name of another food;
- c. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

...

m. If it is a manufactured-protein food product and it is not labeled in accordance with G.S. 106-549.55(e).

...

(26) "Poultry product" means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, or any cell-cultured food product made from cells of poultry, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Board from definition as a poultry product under such conditions as the Board may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

...

(28a) "Qualifying term" means a word compound word, or phrase that would clearly disclose to a reasonable purchaser of poultry products that a food product is not a poultry product. This includes the following terms: "cell-cultured," "cultivated," "cell-cultivated," "fake," "grown in a lab," "insect," "insect-based," "insect-protein," "lab-created," or "lab-grown."

...."

SECTION 2.(b) G.S. 106-549.55 reads as rewritten:

"§ 106-549.55. Labeling standards; false and misleading ~~labels~~labels; labeling of manufactured-protein food products.

...

(e) The manufacturer of a manufactured-protein food product must ensure that the label of any manufactured-protein food product offered for sale in this State that contains an identifying poultry term shall also contain an appropriate qualifying term in prominent type and in close proximity to the name of the product. Responsibility for compliance with this subsection rests solely with the manufacturer, and not the retailer of the manufactured-protein food product."

SECTION 2.(c) This section becomes effective October 1, 2025, and applies to products sold or offered for sale on or after that date.

**REQUIRE ACCURATE RESTAURANT-MENU LABELING FOR
MANUFACTURED-PROTEIN FOOD PRODUCTS**

SECTION 3.(a) G.S. 130A-248 reads as rewritten:

"§ 130A-248. Regulation of food and lodging establishments.

(a) For the protection of the public health, the Commission shall adopt rules governing the sanitation of establishments that prepare or serve drink or food for pay and establishments that prepare and sell meat food products or poultry products. However, any establishment that prepares or serves food or drink to the public, regardless of pay, shall be subject to the provisions of this Article if the establishment that prepares or serves food or drink holds an ABC permit, as defined in G.S. 18B-101, meets any of the definitions in G.S. 18B-1000, and does not meet the definition set forth in G.S. 130A-247 for a brewery, distillery, bar, private club, or winery.

...

(c4) Every establishment that prepares or serves food, as defined in G.S. 130A-247(7), that offers for sale or consumption of a food item containing or consisting of a manufactured-protein food product shall clearly and conspicuously disclose that fact on its menu in accordance with all of the following:

(1) For purposes of this subsection, the following definitions apply:

a. "Manufactured-protein food product" means a cell-cultured food product, or an insect-protein food product. This term includes:

1. A "cell-cultured food product" as defined in G.S. 106-549.15(5a) for products originating from agricultural food animals and in G.S. 106-549.51(4a) for products originating from poultry.

2. An "insect-protein food product" as defined in G.S. 106-549.15(9b) for products resembling the meat of an agricultural food animal and in G.S. 106-549.51(11a) for products resembling poultry.

b. "Qualifying term" means a term as defined in G.S. 106-549.15(21a) for products marketed as a substitute or imitation of the meat of an agricultural food animal or G.S. 106-549.51(28a) for products marketed as a substitute or imitation of poultry.

(2) The menu listing for any item containing or consisting of a manufactured-protein food product shall include a parenthetical or bracketed statement immediately following the item's name. This statement shall:

a. Be in a font size no smaller than the menu item name.

b. Clearly indicate that the item is derived from artificial, imitation, or cell-cultured components by using language such as "(Contains Artificial/Cell-Cultured Food Product)," "(Imitation)," or "(Lab-Grown)," or another qualifying term appropriate to the listed menu item that would clearly convey to a reasonable consumer that the product is not derived from traditional meat or poultry.

(3) The Department and local health departments shall enforce the menu disclosure requirements of this subsection as part of their food establishment inspection and permitting duties under this Article. Compliance with the menu disclosure requirements under this subsection shall be a condition of receiving or renewing a permit pursuant to subsection (b) of this section.

(4) The Commission shall adopt rules to implement the menu disclosure requirements provided by this subsection.

...."

SECTION 3.(b) This section becomes effective October 1, 2025, and applies to food items sold, offered for sale, or made available for consumption on or after that date.

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2 **SEVERABILITY CLAUSE AND EFFECTIVE DATE**

3 **SECTION 4.(a)** If any section or provision of this act is declared unconstitutional or
4 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
5 the part declared to be unconstitutional or invalid.

6 **SECTION 4.(b)** Except as otherwise provided, this act is effective 30 days after it
7 becomes law.