

Meat Analogs; House Sub. for SB 261

House Sub. for SB 261 prohibits the use of identifiable meat terms on the labels of meat analogs when the labels do not include proper qualifying language to indicate that such products do not contain meat. The bill also makes numerous changes to the definitions section of the Kansas Food, Drug, and Cosmetic Act by amending and adding definitions.

Definitions

New Definitions

The bill adds definitions for “meat analog” and “identifiable meat term.”

- “Meat analog” is defined as any food that approximates the aesthetic qualities, primarily texture, flavor and appearance, or the chemical characteristics of any specific type of meat, meat food product, poultry product, or poultry food product, but does not contain any meat, meat food product, poultry product, or poultry food product.
- “Identifiable meat term” is defined as including, but not being 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.

Codification of Federal Definitions

The bill defines “meat,” “meat food product,” “poultry product,” and “poultry food product” as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Amended Definitions

The bill amends the definition of “imitation” under the Kansas Food, Drug, and Cosmetic Act to align it with the more specific definition of “imitation” under the Federal Food, Drug, and Cosmetic Act.

Misbranding

The bill requires a food to be deemed to be misbranded if it is:

- A “meat analog”;
- Its labeling utilizes an identifiable meat term, as defined by the bill; and

- The labeling does not have a disclaimer in a prominent and conspicuous font size, in close proximity to the identifiable meat term, stating one of the following:
 - This product does not contain meat;
 - Meatless;
 - Meat-free;
 - Vegan;
 - Veggie;
 - Vegetarian;
 - Vegetable;
 - Plant-based; or
 - A disclaimer equivalent to these terms, as determined by the Secretary of Agriculture through rules and regulations.

The misbranding guidelines do not apply to menus or menu boards. The guidelines also do not apply to food that can be defined as “imitation” under the Federal Food, Drug, and Cosmetic Act (e.g., imitation crab meat).

Severability Clause

The bill adds a severability clause that states if any provision of the law regarding misbranded food is held to be invalid or unconstitutional, the presumption will be that the remainder of the statute section was enacted with valid and constitutional provisions.