

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE SUBSTITUTE FOR SENATE BILL NO. 261**

As Agreed to April 1, 2022

Brief*

House Sub. for SB 261 would prohibit 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 would also make numerous changes to the definitions section of the Kansas Food, Drug, and Cosmetic Act by amending and adding definitions.

Definitions

New Definitions (Section 1)

The bill would add definitions for “meat analog,” “identifiable meat term,” and “close proximity to the identifiable meat term.”

- “Meat analog” would be 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” would be defined as including, but not be 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 (Section 1)

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

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kIRD>

Amended Definitions (Sections 1-2)

The bill would amend 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 (Section 2)

The bill would require 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 would not apply to menus or menu boards. The guidelines also would 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 (Section 2)

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

Conference Committee Action

The Conference Committee agreed to amend House Sub. for SB 261 by:

- Striking the definition of “close proximity to the identifiable meat term”; and
- Amending the misbranded food criteria description of the required meat analog label disclaimer by replacing “in the same font, size, and style” with “in a prominent and conspicuous font size,” which would be in close proximity to the identifiable meat term.

Background

The bill contains the amended provisions of HB 2530. The contents of SB 261, as introduced, regarding the Kansas Asbestos Control Program and Asbestos Remediation Fund, were passed by the 2021 Legislature in HB 2203.

HB 2530 was introduced by the House Committee on Agriculture at the request of Representative Rahjes.

HB 2530

House Committee on Agriculture

In the House Committee hearing on HB 2530, a representative of the Kansas Livestock Association provided **proponent** testimony, stating manufacturers of “fake meat” should be required to label and advertise their products. The representative stated that not only does this type of labeling confuse consumers about the actual ingredients of a product, but it also misleads the consumer regarding the nutritional quality of the product.

Written-only proponent testimony was provided by representatives of the Kansas Corn Growers Association, Kansas Dairy Association, Kansas Grain Sorghum Producers Association, and Kansas Soybean Association.

Opponent testimony was provided by a representative of the Kansas Chamber, stating the bill places restrictions on competition under the guise of consumer protection, and businesses selling meat analog products would be forced to print labels specific for sale in the state of Kansas.

Written-only opponent testimony was provided by representatives of the Kansas Justice Institute, Kansas Restaurant and Hospitality Association, and Plant Based Foods Association.

Written-only neutral testimony was provided by the Kansas Department of Agriculture.

The House Committee amended the bill to expand the list of disclaimer text that would prevent a food product from being deemed misbranded to include “plant-based” and a disclaimer equivalent to meat analog terms, as determined by the Secretary of Agriculture through rules and regulations [*Note: The Conference Committee retained the amendments.*]

The House Committee removed the contents of SB 261 and inserted the amended contents of HB 2530 and adopted a substitute bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2530, the Kansas Department of Agriculture indicates enactment of the bill would have no fiscal effect on agency operations.

Food labeling; meat analog; identifiable meat terms; imitation

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