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Cell-Cultured Meat Updates: state bans, labeling requirements, and regulatory clarifications

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📌 Categorized Biotechnology (<https://nationalaglawcenter.org/category/biotechnology/>), Emily Stone (<https://nationalaglawcenter.org/category/author/emily-stone/>), Food and Drug Administration (<https://nationalaglawcenter.org/category/agencies/food-and-drug-administration/>), Food Labeling (<https://nationalaglawcenter.org/category/food-labeling/>), United States Department of Agriculture (<https://nationalaglawcenter.org/category/agencies/united-states-department-of-agriculture/>)

Though 2024 is only halfway over, much has already happened this year within the meat alternatives realm. Meat alternative is a term typically used to describe a food product that is not derived from harvested livestock but manufactured to mimic a food product that is. For example, a vegan burger that is created to look and taste like a traditional burger derived from beef but is actually made from chickpeas. Additionally, meat alternatives include “cell-cultured meat.” Cell-cultured meat is a food product that is produced through the practice of growing livestock stem cells outside of an animal and harvesting the cells to make food. Over the past year, state legislators have

passed legislation prohibiting the manufacture and sale of cell-cultured meat, and enacted laws that create labeling requirements for such food products. Additionally, on the federal side, the EPA, FDA, and USDA recently published a joint regulatory plan for biotechnology that included plans for the regulation of cell-cultured meat.

States banning Cell-Cultured Meat

In their 2024 legislative sessions, four states – Alabama, Arizona, Florida, and Tennessee – considered legislation banning the manufacture, sale, or distribution of cell-cultured meat. Florida and Alabama both passed the legislation, and their governors signed it into law. In Tennessee, neither of the proposed bills, **HB2860** (<https://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2860>) or **SB2870** (<https://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2860>), were introduced on the floor of the chamber before the session ended. In Arizona, **HB2121** (<https://www.azleg.gov/legtext/56leg/2R/bills/HB2121H.pdf>), passed in the House of Representatives, but it failed in the Senate.

Florida

On May 1, 2024, Florida became the first state in the U.S. to ban cell-cultured meat. **SB1084** (<https://laws.flrules.org/2024/137>), an appropriations bill with a number of agriculture-related measures, included a provision outlawing the manufacturing for sale, selling, holding or offering for sale, or distribution of “cultivated meat.” The Florida law defines cultivated meat as “any meat or food product produced from cultured animal cells.” The violation of this law is deemed a misdemeanor of the second degree and a food establishment which violates the law will be subject to disciplinary actions. Additionally, a restaurant, store, or other business may have its license suspended if the owner or an employee is convicted of violating this law in connection with that business. The law does not ban research conducted on the production of cultivated meat. The law goes into effect on July 1, 2024.

Alabama

Similarly, on May 7, 2024, Alabama Governor Kay Ivey signed **SB23** (<https://arc-sos.state.al.us/ucp/L1540727.A11.pdf>) into law. This law prohibits the manufacturing, selling, holding or offering for sale, or distribution of any cultivated food product in Alabama. The law defines a cultivated food product as any food product produced from cultured animal cells. A violation of this law is considered a Class C misdemeanor and establishments found to be in violation could have its food safety permit suspended. The law does not prohibit research of cultivated food products by a “federal, state, or local governmental entity or institution of higher education, or a person that is partnered with a governmental entity or institution of higher education.” SB23 goes into effect on October 1, 2024.

Iowa Passes Meat Alternative Labeling Requirements

Manufactured-protein Food Products

Related to the bans on cell-cultured meat passed in other states, Iowa passed **legislation**

(<https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=SF%202391>) creating labeling requirements for what it defines as “manufactured-protein food products.” The law includes cultivated-protein food products, insect-protein food products, and plant-protein food products under its definition of manufactured-protein food products. The law defines a “cultivated-protein food product” as a food product derived from the manufacturing of agricultural food animal stem cells which has one or more sensory attributes resembling a type of tissue originating from an agricultural food animal derived from meat processing. Agricultural food animal is defined as a “domesticated animal belonging to the bovine, caprine, ovine, or porcine species; or live domestic fowl limited to chickens or turkeys.” The law defines “insect-protein food products” and “plant-protein food products” as food products resembling a type of tissue originating from an agricultural food animal, but that is derived from insect and plant parts, respectively.

The law prohibits the use of an “identifying meat term” on the package of a manufactured-protein food product unless a “qualifying term” is within close proximity on the package. An identifying meat term is defined as any word or phrase that indicates a meat product and can include terms such as a common agricultural food animal species name, a common name used to describe a major cut of meat, the term “meat” itself, or other common names reasonable purchasers might associate with meat products. For example, chicken, drumstick, veal, or burgers would qualify as identifying meat terms. A qualifying term is defined as a word that discloses to a purchaser that the food product is not a meat product. For example, cell-cultured, lab-grown, plant-based, vegan, or imitation are all terms which would qualify.

Under the law, a food product is considered misbranded if it is or contains a manufactured-protein food product, is offered for sale by a food processing plant, and its package or other storage container includes an identifying meat term. A food product is not misbranded if a qualifying term is included in close proximity to an identifying meat term. For example, a food product made from cell-cultured meat with the identifying term “burger” on its packaging and no qualifying term would be misbranded. However, if the food product’s packaging included a qualifying term in proximity of the qualifying term, such as “lab-grown burger,” the food product would not be misbranded. Additionally, the law makes an exception for food products with a trace amount of plant-protein food products as determined by the department. A food processing plant that violates this law is subject to a civil penalty of no more than \$500.

Fabricated-egg Product

The law also includes a similar section creating labeling requirements for “fabricated-egg products.” Under this section, fabricated-egg products are defined as food products that resemble an egg product derived from a laying hen, but are actually derived from plants or other organic materials. Like with the section for meat products, a food product containing a fabricated egg product is considered misbranded if it is labeled with an identifying egg term and no qualifying term. Similar to an identifying meat term, an identifying egg term is any word indicating an egg product, and includes common names for chickens, any part of the egg, or a common name reasonable purchasers would associate with a prepared egg product. For example, laying hen, cage-free, egg white, scrambled, or quiche

would be identifying egg terms. The definition for qualifying term is similar to the definition in the meat product section, and includes terms like egg-free, plant-based, or vegan. For example, under the fabricated-egg product section, a food product that is a fabricated-egg product would be considered misbranded if it's packaging only contained an identifying egg term such as "quiche." However, this food product would not be misbranded if the packaging contained a qualifying term within close proximity of the identifying egg term, such as "vegan quiche."

Schools, Community Colleges, and Universities

Under both the sections for meat products and egg products, this law contains a section restricting state education providers from purchasing food products misbranded as either meat products or egg products. This provision extends to the boards of directions of community colleges, the state board of regents and the institutions under their control, the department of education, and local school boards.

Federal Nutrition Programs

Additionally, this law includes a section requiring the Iowa Department of Health and Human Services to submit a waiver request to the U.S. Department of Agriculture (USDA) if the USDA purchases either cultivated-protein food products or fabricated-egg products under a federal nutrition program. Specifically, the law includes the Supplemental Nutrition Assistance Program and the Special Supplemental Nutrition Program for Women, Infants, and Children.

Litigation concerns

Iowa is not the first state to impose a labeling restriction on the use of meat-like terms. Sixteen other states have passed legislation creating a variety of requirements for cell-cultured and meat alternative food products. Additionally, a number of these state provisions have been challenged through lawsuits claiming First Amendment free speech violations. It remains to be seen if Iowa's provision will be challenged in court. To view the NALC's series of articles on the litigation, click [here \(https://nationalaglawcenter.org/category/author/nalc-staff/truth-in-labeling-lawsuits/\)](https://nationalaglawcenter.org/category/author/nalc-staff/truth-in-labeling-lawsuits/).

EPA, FDA, and USDA Regulatory Plans

In addition to the state legislation, there has also been federal movement related to cell-cultured meat over the past year. The USDA and U.S. Department of Health and Human Services Food and Drug Administration (FDA) share the regulatory responsibility for cell-cultured meat. In a 2019 **memorandum of understanding (https://www.fda.gov/news-events/press-announcements/usda-and-fda-announce-formal-agreement-regulate-cell-cultured-food-products-cell-lines-livestock-and)** (MOU), the two agencies outlined their respective roles in the regulation of this developing product. As a part of the Biden Administration's efforts to advance biotechnology innovation (<https://www.whitehouse.gov/briefing-room/presidential-actions/2022/09/12/executive-order-on-advancing-biotechnology-and-biomanufacturing-innovation-for-a-sustainable-safe-and-secure-american->

bioeconomy/), the U.S. Environmental Protection Agency (EPA), FDA, and USDA released a **joint plan** (<https://usbiotechnologyregulation.mrp.usda.gov/eo14081-section8c-plan-reg-reform.pdf>) this year for the oversight of biotechnology products. Under this plan, FDA and USDA reiterated their joint regulatory responsibility of cell-cultured meat, and outlined the steps each agency intends to make. FDA highlighted its intention to issue a draft guidance for industry on the consultation process all cell-cultured meat manufacturers must complete before product approval. Additionally, USDA announced its intention to propose, within this calendar year, cell-cultured meat and poultry product labeling regulations.

Conclusion

The first half of 2024 has seen new movement in the realm of cell-cultured meat. So far, this year has seen some states, like Florida and Alabama formally banning the manufacture, sale and distribution of cell-cultured meats, while other states like Iowa have established new labeling requirements for cell-cultured meat products. At the federal level, FDA and USDA have released a joint plan detailing the steps each agency will take to further cell-cultured meat regulation this year. While it is difficult to say whether the second half of 2024 will see as much movement in the field of cell-cultured meat as the first half, it appears that going forward states and agencies are looking to increase regulation of this growing field.

For more information on biotechnology in agriculture, click **here** (<https://nationalaglawcenter.org/research-by-topic/biotechnology/>) to visit NALC Biotechnology reading room.

For more information on food labeling generally, click **here** (<https://nationalaglawcenter.org/research-by-topic/food-labeling/>) to visit NALC Food Labeling reading room.

To view PennState Law's Center for Agricultural and Shale Law's Meat Labeling Law Issue Tracker, click **here** (<https://aglaw.psu.edu/research-by-topic/issue-tracker/meat-labeling-law-2018-present/>).

To view PennStat Law's Center for Agricultural and Shale Law's Cell-Cultured Food Regulations Issue Tracker, click **here** (<https://aglaw.psu.edu/research-by-topic/issue-tracker/cell-cultured-food-regulations-2018-present/>).

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