

AMENDMENTS TO LB246

Introduced by Conrad, 46.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 **Section 1.** Section 81-2,239, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 81-2,239 Sections 81-2,239 to 81-2,292 and sections 3 to 9, 11, and
6 12 of this act and the provisions of the Food Code and the Current Good
7 Manufacturing Practice In Manufacturing, Packing, or Holding Human Food
8 adopted by reference in sections 81-2,257.01 and 81-2,259, shall be known
9 and may be cited as the Nebraska Pure Food Act.

10 **Sec. 2.** Section 81-2,240, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 81-2,240 For purposes of the Nebraska Pure Food Act, unless the
13 context otherwise requires, the definitions found in sections 81-2,241 to
14 81-2,254 and sections 3 to 9 of this act shall be used. In addition, the
15 definitions found in the code and practice adopted by reference in
16 sections 81-2,257.01 and 81-2,259 shall be used.

17 **Sec. 3.** Agricultural food animal means any domesticated animal that
18 is raised for human consumption or for the production of products that
19 are used for human consumption.

20 **Sec. 4.** Cultivated-protein food product means a food product having
21 one or more sensory attributes that resemble a type of tissue originating
22 from an agricultural food animal but that, in lieu of being derived from
23 meat processing, is derived from manufacturing animal cells, including
24 processes that are part of a manufacturing operation in which one or more
25 stem cells are initially isolated from an agricultural food animal, are
26 grown in vitro, and may be manipulated.

27 **Sec. 5.** Identifying meat term means any word or phrase that states,

1 indicates, suggests, or describes a meat product and includes any:

2 (1) Common name for the species of the agricultural food animal
3 subject to slaughter and processing, including calf, chicken, cow, goat,
4 hog, kid, lamb, pig, poultry, sheep, or turkey;

5 (2) Any characteristic of a species of the agricultural food animal
6 subject to slaughter and processing, including beef, broiler, cabrito,
7 chevon, fryer, lamb, mutton, pork, poulet, veal, or yearling; and

8 (3) Common name used to describe a major cut of a meat of an
9 agricultural food animal slaughtered and processed, including a major
10 meat cut or any other common name that a reasonable purchaser would
11 immediately and exclusively associate with a meat product prepared for
12 sale in normal commercial channels, including bacon, baloney, bologna,
13 bone, brat, bratwurst, brisket, burger, butt, chop, chuck, cold cut,
14 cutlet, filet, flat iron, frank, frankfurter, ham, hamburger, hock, hot
15 dog, jerky, liverwurst, loin, London broil, lunch meat, New York strip,
16 pepperoni, porterhouse, rib, ribeye, roast, salami, sausage, shank,
17 sirloin, sparerib, tenderloin, or any comparable word or phrase.

18 **Sec. 6.** Insect-protein food product means a food product having one
19 or more sensory attributes that resemble a type of tissue originating
20 from an agricultural food animal but that, in lieu of being derived from
21 meat processing, is derived from manufacturing insect parts.

22 **Sec. 7.** Manufactured-protein food product means a cultivated-
23 protein food product, insect-protein food product, or plant-protein food
24 product.

25 **Sec. 8.** Plant-protein food product means a food product that:

26 (1) Has one or more sensory attributes that resemble a type of
27 tissue found in a species of agricultural food animal;

28 (2) Is substantially derived from manufacturing plant parts; and

29 (3) Does not include any part of an animal that has been
30 slaughtered.

31 **Sec. 9.** Qualifying term means a word, compound word, or phrase that

1 would clearly disclose to a reasonable purchaser of meat products that a
2 food product is not a meat product including cell-cultivated, cell-
3 cultured, fake, grown in a lab, imitation, insect, insect-based, insect-
4 protein, lab-created, lab-grown, meat free, meatless, plant, plant-based,
5 vegan, vegetable, vegetarian, veggie, or any comparable word or phrase.

6 **Sec. 10.** Section 81-2,283, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 81-2,283 (1) ~~No~~ It shall be unlawful for any person shall to
9 misbrand any food or distribute, offer for sale, or sell any misbranded
10 food.

11 (2) A food shall be deemed to be misbranded if:

12 (a) It does not bear labeling clearly stating (i) the identity of
13 the food in terms likely to be easily and accurately understood by the
14 consumer, (ii) the net quantity of contents of the food in terms
15 authorized under the Weights and Measures Act, and (iii) the name and
16 address of the manufacturer, distributor, or seller of the food; ~~or~~

17 (b) Its labeling is false or misleading in any manner; ~~or~~

18 (c) For any manufactured-protein food product that is labeled with
19 an identifying meat term, such manufactured-protein food product is not
20 labeled with a conspicuous and prominent qualifying term in close
21 proximity to the identifying meat term; or

22 (d) For any manufactured-protein food product that is labeled with
23 an identifying meat term and offered for sale at a food establishment,
24 such manufactured-protein food product is not labeled in a manner that is
25 clearly and distinctly separate from any product that is made from tissue
26 originating from any agricultural food animal.

27 **Sec. 11.** A manufactured-protein food product is falsely advertised
28 if:

29 (1) All advertising for such manufactured-protein food product that
30 lists an identifying meat term does not include a conspicuous and
31 prominent qualifying term in close proximity to the identifying meat

1 term; or

2 (2) For any manufactured-protein food product that is offered for
3 sale at a food establishment, such manufactured-protein food product is
4 not displayed in a manner that:

5 (a) Keeps such product separate from products containing tissue
6 originating from agricultural food animals; and

7 (b) Uses distinctive shelf tags or other posted representations to
8 identify and distinguish such manufactured-protein food product from
9 products containing tissue originating from agricultural food animals.

10 **Sec. 12.** The department may investigate all credible complaints
11 that food products are misbranded or being falsely advertised as meat
12 products regardless of whether or not a political subdivision or other
13 state agency acts as the regulatory authority for food establishment
14 inspections.

15 **Sec. 13.** Original sections 81-2,239, 81-2,240, and 81-2,283,
16 Reissue Revised Statutes of Nebraska, are repealed.