

Transcript Prepared by Clerk of the Legislature Transcribers Office
Agriculture Committee February 18, 2025
Rough Draft

DeKAY: Good afternoon, everybody. Hey, could I have a-- if I could, a show of hands on everybody that plans on testifying on either bill today? OK. Thank you. Hands down. OK, welcome to the Agriculture Committee. I am Senator Barry DeKay of Niobrara, Nebraska. I represent the 40th Legislative District. I serve as chair of this committee. The committee will take up bills and confirmations in the order posted on the agenda at the door. Our hearing today is your public part of the legislative process. This is your opportunity to explain your position on the proposed legislation before us today, to offer insights and information for our consideration. The committee members might come and go during the hearing. This is just part of the process, as members can have bills to introduce in other committees. I ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones. Introducers will make initial statements, followed by proponents, opponents, and neutral testimony. Closing remarks are reserved for introducing senator only. If you are planning to testify, please fill out the green sign-in sheet that is on the table at the back of the room before you come up to testify. Please print, and it is important to complete the form in, in its entirety. When it's your turn to testify, hand the sign-in sheet to a page or to the committee clerk. This will help us make a more accurate public record. If you do not wish to testify today but like to indicate your position on a bill, there are yellow sign-in sheets at the back of the room. These sheets will be included in the hearing record. If you have a written statement or other handouts, please have 12 copies and hand them to the page when you come up to testify, and they will distribute those to the committee. If you do not have enough copies, a page will make sufficient copies for you. Please speak clearly into the microphone. Tell us your name, and please spell your first and last name to ensure we get an accurate record. We will be using the light system for all testifiers. You will have three minutes to make your initial remarks to the committee. When you begin, the green light will be on. When you see the yellow light, that means you have one minute remaining, and the red light indicates your time has ended and you should conclude your remarks. Questions from the committee that follow will provide an opportunity, opportunity to further explain your position. No displays of support or opposition to a bill, vocal or otherwise, are allowed at a public hearing. Offenders may be asked to leave. The committee members with us today will introduce themselves, starting with my far left.

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HOLDCROFT: Rick Holdcroft, Sarpy Count-- west, west and south Sarpy County, District 36.

RAYBOULD: Jane Raybould, Legislative District 28, the center of Lincoln.

KAUTH: Kathleen Kauth, LD31, the Millard area.

STORM: Good afternoon, Jared Storm, District 23. Saunders, Colfax, Butler County.

DeKAY: And the Vice Chair is Senator Ibach; she is in an executive committee hearing right now, so when I go up to introduce my bill, Senator Holdcroft will be taking over the proceedings. To my immediate right is the committee research analyst, Rick Leonard, and our committee clerk is Linda Schmidt, seated to the far left. Our pages for today will introduce themselves.

LAUREN NITTLER: Hi, my name is Lauren. I'm from Aurora, Colorado. I'm in my second year at the University of Nebraska-Lincoln, and I'm studying agricultural economics.

TATE SMITH: And I'm Tate. I'm from Columbus, Nebraska, and I'm in my third year at UNL.

DeKAY: With that, we will open the hearing for the first item on the agenda.

HOLDCROFT: OK. My official title is Vice-Vice Chair Holdcroft. And also, when you hit the red light, I do stop you at the red light. Senator DeKay, your bill.

DeKAY: Thank you, Vice-Vice Chair. Thank you to the members of the committee. I am Senator Barry DeKay, B-a-r-r-y D-e-K-a-y, representing Legislative District 40, and I am pleased to present LB246. I am honored to stand alongside Governor Pillen on this issue. I share the Governor's passion for the families and thousands of good people who work tire-- tirelessly to make the investments necessary to allow us here in Nebraska, the entire nation, and even the world to access affordable, nutritious and diverse meat proteins. Our meat industry is a remarkable success story, one whose future remains bright. Too often, our livestock producers are on the receiving end of scorn and ridicule, and even character assassination. Yet today, with the march of technology, our livestock industry faces another unprecedented challenge, one that I believe will only add to the arsenal of those

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whose goal is to eliminate animal husbandry and socially engineer our dietary choices. LB246 would quite simply ban the manufacture, sale, and distribution of what is referred to and defined in the bill as "cultured proteins" [SIC] in the state. The bill would amend 81-2,282 of the Pure Food Act, which prohibits selling or distributing adulterated food by declaring food that is or contains cultivated protein-- proteins as adulterated. As an adulterated food, the department could enforce the ban through administrative stop movement or removal orders by seeking injunctive remedies and potential criminal violation as a misdemeanor offense. The bill also would provide for enforcement of deceptive trade practices. I felt this additional enforcement mechanism was necessary to enable the Attorney General to help in the enforcement when violators are manufacturers or distributors from outside the state, targeting Nebraska's customers. In any event, the remedies under the Pure Food Act and the Deceptive Trade Practices Act enable enforcement through several means of injunction, and even negotiated settlements. Our goal is not to throw people in jail or impose heavy monetary penalties; just keep the product off the shelves. With LB246, Nebraska would join Florida and Alabama, which have enacted similar bans in those states. Currently, similar legislation is being considered in six other states. I do have an amendment-- AM226-- the bill as introduced defines cultured protein as a product that results from manufacturing cells or non-animal sources. The purpose of that phrasing was to try to stay ahead of technology in the event there were means other than the extraction of actual animal stem cells, such as genetic engineering, to arrive at the starter animal cell lines used in production. I am offering the amendment to avoid any interpretation that the bill would ban plant-based meat analog products. Make no mistake: regardless of the similarities in animal origin of cells there are propagated to make cell culture meat, cultivated meat is a novel synthetic product. Cultured meat producers will rely on the public's preference for meat as a protein source, and market their products in a way that co-opts consumers' perception of their cultural, nutritional and culinary values associated with meat derived from livestock. Until or unless there are clear labeling rules that adequately disclose that cultured meat is not real meat, its sale allows lab meats to unfairly benefit from industry investments in marketing and production. We need not to fear competition, but we want the competition to be fair and honest. Additionally, I believe that there are questions about nutritional values of synthetic meat compared to naturally-grown meat. On top of that, cultivated meat products may soon be entering the marketplace with an unknown and uncertain record safety. Certainly, I recognize that the USDA and FDA

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have approved two cultivated poultry products, and would not have done so without having confidence that if, if done correctly, the products would be safe to consume. But I did want to call to the committee's attention to the handout before you that lists the various steps in cell-culturing process, and where alter-- adulteration can occur. This is taken directly from the FDA's final scientific review memorandum of Upside Foods' application for cultured chicken product. There's a lot that can go wrong that could undermine the safety and identity of the end product. I do not believe LB246 is unprecedented. For example, almost all states have banned the sale or processing of horse meat. The question is not the safety of horse meat or that there are segments of the populations who consume the product, but states have acted out of a sense of cultural values, and I believe the issues are not dissimilar here. Thank you, and I will try to answer any questions.

HOLDCROFT: I stand relieved. You have the conn.

IBACH: Thank you. Pick up where you left off. Are there any questions from the committee? Senator Raybould.

RAYBOULD: Thank you, Vice Chair. Senator DeKay, thanks for the bill. Although I'm a little bit puzzled by it. As you know, I'm a grocer, and it's just some-- somewhat rare that we would prohibit something from our shelves. And in your opening remarks, you talked a lot about the public preference. I mean, we sell lots of stuff, and if people don't like it, they don't buy it. They might try it, but if they don't like it, they're never going to buy it again. And so, eventually it dies a slow death and gets removed from our shelves. And so, you know, the public and the market sort of determine whether it's worthwhile eating. I-- personally, I can't imagine eating something that looks gelatinous or globular. It doesn't sound as appealing as a beautiful tenderloin. But, but then-- you also said you don't fear competition, but you're, you're mandating, like, that it's not going to be allowed on the shelves. As a grocer, I can't even imagine why we would sell it, because there's only two products that have been approved. And so, the question is how come you want it mandated?

DeKAY: The reason I want to have-- if you want to use the word mandated, and I appreciate your remarks on wanting a good tenderloin or a good steak. I do appreciate that. But we are an agricultural state, and there are un-- un-- unintended-- there could be unintended consequences, that we don't know what the long-term health ramifications are with the cultivated meat, with what goes into it,

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all the ingredients. Within the handout, you could see what-- even without the ingredients involved, you can see what could go wrong in the processing part of it that could cause different illnesses. And without knowing the health history of it, I don't think any of us want anything on the shelf that could pose health hazards in the future. And right now, we don't know what the future is on those coming forward.

IBACH: Go ahead.

RAYBOULD: Oh, just as a follow-up. Well, so, do you trust the USDA processes? As, you know, a new food is introduced and goes through all their safety checks and quality control. Do you, do you have concerns that they're not doing their job? Or?

DeKAY: No, I don't distrust the USDA, but I do know what is a proven product. I do know the safety record of eating naturally-grown protein. I'm not in the business to say what's grown in a petri dish. So, we just don't-- I-- there's, there's still a lot of unknown variables that could happen. And not that I don't trust USDA, but I don't know if they have enough history on what could be health ramifications five, ten years down the road by consuming products.

IBACH: Go ahead.

RAYBOULD: And I know we-- we've seen a lot of online comments, proponents and opponents. And I know Senator Andersen has a bill talking about labeling. To me, it just seems to make sense that the public will decide if they like this product or not, that it works for their family or not. But how do you feel about going with just the labeling route, so consumers know exactly what they're going to be purchasing?

DeKAY: We can-- we could consider labeling, but at the same time there are-- and I don't know where the price of this product could be. I can't believe it could be competitive with natural-grown chicken, pork, or beef. But there are consumers-- if this is-- becomes competitive in pricing, the only labeling some people look at is-- if they have a family of 6 or 8 kids, whatever, the only labeling they're looking at price per pound. If they're going to-- they might not look at-- they might look at quantity over quality, if they have a lot of mouths to feed. And like, right now, we don't know-- even with proper labeling, we don't know what the long-term rava-- ramifications of the ingredients, if you want to call them ingredients, that are going into

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lab-grown meat are. We don't know if it's going to cause-- you know, there's a lot of history out there on different products that are-- have been used that are now banned, because at the time they were brought forward and, you know, from pesticides all the way through a lot of different areas-- that were in use, and now they're banned because the long-term health ramifications five, ten years down the road, people were developing cancers that can be linked back to that. I'm not saying this is one of those products, but I want to make-- be crystal clear that this is a safe product to be consumed before it ever does hit the shelves.

IBACH: Go ahead.

RAYBOULD: Last question, I promise. So, I think what you're saying is that there have only been two USDA-approved products, but they're not on anybody's shelves at this point in time, correct?

DeKAY: I don't know if they're on the shelves in California. There's two-- Upside Foods is in the poultry business, and I don't know if they're on the shelves in California or not, but that's where they're based out of, so. But in Nebraska, no, there's nothing on the shelves.

RAYBOULD: OK. Thank you.

IBACH: Thank you, Senator Raybould. Are there other questions? I just have a couple, and I missed the very first part of your intro, so I apologize. Why, why are we approaching this from a ban and not just regulating? I mean, why--

DeKAY: Like I tried to convey to Senator Raybould, I want to ban until we know what the health ramifications are. Is-- it's simple as that. If we don't-- if we don't know what's all goes into it, we-- there's all kinds of products that have been put on the market and then pulled from the market because they been linked back to different cancers and different illnesses. Until I-- in my mind, until I'm happy knowing that this is a safe product for consumers, possibly my kids and my grandkids could be consuming, I don't want that to be-- I don't see that as a real option. And obviously, it may not be if the prices aren't competitive. But at the same time, if there's a-- price dictates sales sometimes. You can look on qualit-- and Senator Raybould can attest to this, you look at different qualities of meat in a meat market. You know, your-- 80% hamburger's going to be cheaper than 90% hamburger. And that's a different scenario, it's not-- has anything to do with what's in it, but the different-- my point is

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different qualities are going to dictate what some consumers are going to buy.

IBACH: Second question. Do you, do you think this makes us look like we are afraid of the competition, or that we think that there's something that-- there's something that we don't-- that we aren't?

DeKAY: Personally, myself, I don't see it as, as being afraid of competition. Going into my background with sports and in my background in the livestock industry, I'm not afraid of competition. I don't think this is going to be a competitive product. But at the same time, things, things happen. People-- basically, like I said, if it becomes competitive as far as a pricing, I just want to know that people are 100% aware of what they're buying, it's going to be safe for them, their kids or grandkids to ingest.

IBACH: OK. Thank you. Senator Storm.

STORM: Thank you, Vice Chair. Thank you. Maybe you already said this, maybe I missed it, but are there other states that ban fake meat?

DeKAY: Yes, Florida and Alabama have, and six other states that are introducing legislation on it this year.

STORM: So Florida and Alabama, a complete ban?

DeKAY: Yeah.

STORM: On these two products? OK. And you said there's two products that are certified, FDA approved?

DeKAY: There's two, two companies. I'm not saying products, two companies. And I think they're both based out of California. And they're dealing with poultry.

STORM: OK. So we're-- these products are the, the fake products? Or-- what are they? Are they soy-based, or what are they?

DeKAY: No, they're-- this, this bill does not attack vegetable-based sandwiches. This bill is going after stem cell research, which-- basically, the stem cells are gathered from living animals-- chicken, hogs, beef-- and cultivated and put together with other ingredients which contain a lot of antibiotics, amino acids, sugars, and-- to be grown to make a marketable product in about eight weeks.

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STORM: And the two companies are based out of California, that make this?

DeKAY: I think so, yes. I'd have to check to be 100% sure, but I think yes.

IBACH: Thank you, Senator. Any other questions? OK. You'll come back for close, I'm assuming.

DeKAY: I'll try.

IBACH: Thank you. Can we have our first proponent? Opponent [SIC] for LB246.

SHERRY VINTON: Good afternoon, Senator Ibach and members of the Agricultural [SIC] Committee. My name is Sherry Vinton, S-h-e-r-r-y V-i-n-t-o-n, and I am the director of the Nebraska Department of Agriculture. I am here today to testify in support of LB246. LB246 amends the Nebraska Pure Food Act by specifying that cultivated protein food products are adulterated food products under the act. These adulterated food products resemble tissue originating from an agricultural food animal, but are derived from manufacturing cells or non-animal sources, including process and-- processes in which one or more stem cells are initially isolated from an agricultural food animal, and are manipulated in a laboratory as part of a manufacturing operation. This legislation is necessary to protect consumers of real meat products from being misled by marketing of fake meat. The legislation is also necessary to preserve and safeguard traditional production agriculture. Lab-grown meat is an untested and potentially unsafe alternative to wholesome real meat being raised by farmers right here in our state. These products are not veggie burgers; they're, they're real animal cells pumped full of growth agents and cultivated in laboratories in huge bioreactors. Only two companies are cleared by the FDA to sell cultivated meat in the U.S.: Upside Foods-- which Bill Gates has invested in-- and GOOD Meat, Inc. A recent research article on the National Institutes of Health's website indicates that concerns regarding cultivated protein food products include microbial contamination, the risk of infection, and chemical hazards from residues from the growth media and other bioprocessing agents. Additionally, there are significant gaps in understanding cultivated protein food products, which may affect the safety and nutritional value of such food. Research indicates that such food would require additional regulatory procedures which are not currently in place, and would require significant laboratory resources to

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provide adequate regulatory safeguards that currently do not exist. Suppliers of lab-grown meat claim that this product will be able to replace livestock as a meat source in the future. The companies also claim their bioreactor meat will be more humane and environmentally-friendly product than conventionally-raised livestock. However, a 2023 preprint report from UC Davis found lab-grown meat to have a much higher carbon footprint than U.S. raised beef. Livestock is the backbone of the agricultural industry in Nebraska. Nebraska produces more beef than any other state [SIC]. We are truly the beef state. We rank number one nationally for beef exports, number one in commercial cattle slaughter, and number two for all cattle and calves and number two for all cattle on feed. In Nebraska, we safeguard our food system of nutrition by maintaining a close relationship with the land, animals and human labor that has proven beneficial for generations. Nebraska needs to stand up and defend its interests. Florida and Alabama passed similar laws this last year. South Dakota and Oklahoma are also considering lab-grown meat bans this year. 17 states have passed labeling laws for meat alternatives since 2018. According to the National Ag Law Center, internationally, Italy has banned lab-grown meat products while 12 countries, including Italy and France, signed a letter calling lab-grown meat a threat to primary farm-based approaches and genuine food production methods that are at the very heart of European farming models. We should not be entertaining this unnecessary economic interference into the state's most valuable industry. With that, I'd like to thank the Agricultural [SIC] Committee again for your consideration of LB246, and I'm happy to answer any questions you may have at this time.

IBACH: Thank you very much. Are there questions from the committee? Senator Kauth.

KAUTH: Thank you, Vice Chair Ibach. Director Vinton, so you said here that the National Institutes of Health website is indicating that they have concerns. Are there any moves at the federal level to revoke the FDA clearance-- or the USDA clearance?

SHERRY VINTON: Not that I am aware of at this point.

KAUTH: OK.

IBACH: Senator Storm.

STORM: Thank you, Vice Chair. Thank you, Secretary [SIC]. So, Nebraska is probably the largest beef producer in the nation, correct?

SHERRY VINTON: Correct.

STORM: Which state do we sell the most beef to?

SHERRY VINTON: Which state do we sell the most--

STORM: Do you know, off the top of your mind?

SHERRY VINTON: --beef to? I cannot tell you. Canada is actually a huge trading partner.

STORM: Yeah, that's a country. But I thought-- the states.

SHERRY VINTON: I can't tell you.

STORM: What I'm angling at is-- so if we, if we-- if the two fake meat-- lack of better terms-- producers are based out of California, then we probably sell more beef to California than probably interstate, maybe?

SHERRY VINTON: It's possible.

STORM: Is there any thought in that, that, that they might say, well, we're not going to buy beef from Nebraska?

SHERRY VINTON: Retribution?

STORM: Yeah. Any thought to that? I'm just--

SHERRY VINTON: I cannot tell you that--

STORM: OK.

SHERRY VINTON: --that that idea has been discussed, or where it would have been discussed.

STORM: Right. So, I'm just thinking there, because-- be some collateral damage here if we decided to ban fake meat from California on our shelves, they might say we're not going to buy natural beef. And I can see California considering that. Bill Gates, and-- so, just something to think about. I'm all for beef. I love a Big Mac more than anybody else, but I'm just trying to think of maybe some consequences if we go to this round-- go down this road of banning choices.

SHERRY VINTON: California has, has passed some very interesting laws.

STORM: Right.

SHERRY VINTON: The main point is, is food safety.

STORM: Sure. And I also know California likes to single out states for doing things they don't agree with, and-- so. That's just something to think about. Thank you.

IBACH: Thank you, Senator Storm. Are there other questions? I have a couple. I think you answered my-- why not regulate-- why, why ban instead of regulate? When you talked about the regulatory safeguards, they would require significant resources. Can you expand on that just a little bit? Would we, would we-- I mean, with the meat animal research lab, I feel like we have opportunities in our state to pursue that research. Is that something that we could be the leader on without mandating a ban on it?

SHERRY VINTON: I think that is one of the interesting things in this bill, is it does not ban research. And it's, it's difficult to describe how novel and how different this technology is for a new synthetic food product. When you look at the regulatory approach, it is split between FDA and USDA. And the point of the split is, is at the point of harvest. FDA is charged with approving the cell lines, it-- the-- two, two companies are approved, but it's actually only two cell lines that have been approved. And these cells are interesting, because they're looking at cells that will grow rapidly in a bioreactor, right? They want, they want cells that have the ability to reproduce rapidly over and over; to go from a few cells to billions of cells. And there's a lot of concern within that about the genetic mutations, what may happen after that type of proliferation. But there isn't any testing on the back end of that, because this process is split, which is interesting. In listening to some of the primary regulators for this, FDA and then the USDA side-- you know, they say we aren't-- we're building the plane as we're flying it. So, those are some of the concerns on the regulatory approach. And there's, there's many, many opportunities for a lot of research to be done here on-- because it's a very, very novel food technology. You know, on the one side, FDA is checking to see, you know, is it generally recognized as safe? Well, no, so that's why they have the pre-market approval process. And then, it's also-- it's split at what they're calling the point of harvest. So, in our traditional packing plants, every carcass is inspected 100% of the time. I mean, there is a USD [SIC] inspector there to look at every single carcass. But for this, right now, the regulatory approach is they're just looking at it as a processing

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facility, and so they're looking at SSOPs or HACCP plans, and treating it as just a plant. So there's only one inspection, once a day. So, there-- there's room-- there's always room for improvement. And until this new novel technology has had some long-term studies and trials, research is a good approach, and we could definitely be a leader there.

IBACH: I think that would be warranted. What labeling does the department have in place currently?

SHERRY VINTON: We currently have regulations that are before the Attorney General that are stringent on regulating of cultured protein food products, and the placement of them in grocery stores as well.

IBACH: Great. Thank you. And then, can you just expand a little bit on the carbon footprint part of your testimony? If lab-grown has a higher carbon footprint, can you just explain that for the committee?

SHERRY VINTON: That's another thing. There hasn't been a full lifecycle analysis on this, so they haven't done the, the full lifecycle analysis on the cell-based meat or the cultured protein food, as far as the energy uses that it'll take, for example, for the bioreactors and on the different growth mediums that they'll be using. And UC Davis has a food center there, and they've actually done some research on this, and they've found that conventionally-raised beef in Nebraska specifically would have, perhaps, a carbon footprint that would be anywhere from 4 to 25 times less than this.

IBACH: Great. I've kind of been following the, the progress on this in South Carolina. Do you think that there's opportunity for us to mesh your [SIC] bill with Senator Andersen's and do labeling that would include information on lab-grown products rather than ban one, and then, and then look at the labeling part of it as well? That's why I asked you the labeling question, because if we're going to-- if we're going to pivot to a labeling opportunity, is there any-- is there any opportunity for us to mesh these two bills?

SHERRY VINTON: I'm not familiar with South Carolina, but as I said last year-- last, last fall, we help-- held hearings on our, our rules and regs under the Pure, Pure Food Act, and those are currently at the Attorney General. So--

IBACH: OK.

SHERRY VINTON: --that would require new changes.

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IBACH: OK. Thank you. Any other questions from the committee? Senator Hansen. Thanks for joining us.

HANSEN: Thank you. Yeah. Sorry, I was in a hearing the whole-- this whole time, so sorry if I-- I hope I'm not repeating any questions. Is there any concern that a bill like this would-- is almost kind of like a market manipulation of the free market process? Like, we're trying to-- we're try-- we're trying to put a monopoly on meat in Nebraska?

SHERRY VINTON: The primary concern of this bill, I believe, is food safety. And that would be my primary concern, as a regulator of the Pure Food Act. You know, is this product generally recognized as safe? Is it an adulterated food product? Are the proper regulatory processes being followed? And as I said, it's a very, very novel technology in synthetic food, and there are only two cell lines that-- cell lines that are actually approved, and-- I believe that there's definitely room for research, long-term studies.

HANSEN: The safety part makes sense. The safety part makes sense to me. The adulterated food part does not make sense to me, because then we're going to-- we better ban refined flour, refined sugar, high-fructose corn syrup, because the [INAUDIBLE] stuff that kills more people than anything else, those three things do, than anything else. And so, those are adulterated foods. And I think actually, that's why-- I think back in the 1930s, it was Pillsbury who took control of the FDA or USDA, and they allowed the transfer of adulterated food across state lines, and it was refined flour. And I think he became the head of the FDA. There's some kind of story with that, maybe. But the idea that it's adulterated food-- it is, I agree, but there's a lot of adulterated food that cause, I think, a lot of health concerns that I think we could address well, that maybe-- but I'm not going to-- my constituents would probably find my house in about two seconds if I say we should ban high-fructose corn syrup. But it-- the-- it is adulterated food, but the safety part makes sense to me now that you, that you explained it and I read part of your testimony.

SHERRY VINTON: And I think legal definition-- what adulterated means to FDA, not necessarily just health benefits,--.

HANSEN: Sure.

SHERRY VINTON: --but--

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HANSEN: And that makes sense to me, so I appreciate you coming. So, thank you.

IBACH: Other questions from the committee. Seeing none. Thank you.

SHERRY VINTON: Thank you.

IBACH: Any other proponents? Proponents? Welcome.

RUSTY KEMP: Thank you. Thank you, Vice Chair Ibach. My name is-- the rest of the esteemed Agriculture Committee. My name is Rusty Kemp, R-u-s-t-y K-e-m-p. So, in 2019, I was having a conversation with a high-ranking Tyson official, and, and she said something that really stuck with me. She said Tyson does not consider itself a, a beef or a pork or a chicken company; it considers itself a protein company. And I'm here to try to convey and communicate to, to this communit-- to this committee, that, that words matter. I don't produce protein. My family produces beef. It's a specific product that we have produced for four generations, the fifth generation's sitting in the gallery here with me. And we do this by converting solar energy into a delicious product. It's pretty simple. We do not want to let our market share get diminished by an inferior imposter substitute. If you, if you look into a grocery store, at the-- it's what happened-- what has happened to the dairy industry. Part of their shelf space has been displaced by almond milk. That's not milk; that's nut juice. Beef and this imposter product are not the same thing. Words matter. You know what, this, this-- I call it a petri dish protein. You know, consumers really don't have any idea of the production process, or, or what's in it. You know, once again, we use solar energy to grow grass and corn and produce beef. Humans have been doing this since Christ walked the Earth, and before that. Beef and this imposter product are not the same. Words matter. Every beef carcass is USD [SIC] inspected. This petri dish protein is not. Beef and this imposter product are not the same, and Nebraska beef enjoys a high regard all over the world, and commands a premium price because of our quality and reputation. This imposter product should not be allowed to piggyback on our hard-earned reputation. I can provide examples of this in questioning if, if the committee desires. And there are environmental implications that no one considers during the, the discussions. And I'm a little short on time, if, if the committee disc--desires to discuss that, I'd be happy to address that in the questions. But, you know, once again, words matter. And these, these are not the same things. This should not be able-- this is a-- this is not beef, and they should not be able to present themselves as beef. And in closing, cattlemen and

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women are-- we're pretty "skeptible"-- skeptical about government, so much so that we don't want government involved, even when government needs to be involved. With that, I'd be happy to answer questions.

IBACH: Thank you very much. Are there questions from the committee? I just have one. When you talk about government being involved, are we not mandating something if we say you cannot purchase that product in our state?

RUSTY KEMP: I, I don't really personally have a concern if that's in this state. I don't want them calling it beef. You know, we-- we've got a lot of time and effort promoting, promoting beef throughout the state, throughout the country, throughout the world. And this, this is not beef. And I-- you know, they-- I, I keep going back to the, the dairy industry, the nut juice that's in there. That-- they shouldn't be able to call that milk, because it's not milk. And, you know, my concern is we're get-- you know, words matter, and beef is beef; I'm not sure what you want to call this other product, but it's not beef. And I'm not afraid of competition, but an imposter product shouldn't be able to label itself the same as, as what we, we produce and we have been producing.

IBACH: I haven't researched the label of a, of a petri dish-grown product. Does it say on the label, do you know? Does it say "protein" or "a product of?" I have-- I haven't researched it, and I should have. I'm just curious if you know the answer to that.

RUSTY KEMP: I, I don't. I'm just here trying to make sure it's not labeled that way.

IBACH: OK.

RUSTY KEMP: And if it's, if it's not on the shelf at all, we-- ma'am, we don't need a label.

IBACH: Yeah, but I'm-- I'm just speaking in terms of other states that have the product on their-- on it-- from their-- the two companies that process it. Have you Googled the-- or, are you familiar with what the label might read?

RUSTY KEMP: You know, I can go back to the Impossible Burger. You know, a burg-- burger is-- you know, when people say burger, they think beef. I think that's misleading.

IBACH: OK. That--

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RUSTY KEMP: And I'll, I'll compete with them all day long, but it has to be, you know, they can't call it something it's not.

IBACH: Yeah.

RUSTY KEMP: We-- we've spent a lot of time promoting our product. Generations, building better genetics, making this a premium product that's well-respected all over the world, and you, you, you shouldn't be able to step in here with something that nobody's sure how it's made or what it is or what to call it, and call it beef. Same with pork, same with any, any other, any other protein source. Words matter.

IBACH: Thank you very much. Other questions? Senator Storm.

STORM: Thank you, Vice Chair. So I'm looking at good-- GOOD Foods' website right here, and it's called "cultivated chicken." So, that's the label they use, is-- so, that is kind of misleading. But my question for you is, so, if we take their package, kind of like a pack of cigarettes, and we say "this is not beef" and "this is what's in it" in big letters, and it's put away from the meat section, would you go along with something like that, or would you still be against that?

RUSTY KEMP: You know, if it's properly labeled, who am I to kick somebody off of-- you know, from being able to try, try to make money in America?

STORM: Because my fear is that, if we do this to California companies, they're going to say, how about banning Nebraska beef in California? You know.

RUSTY KEMP: Well, some of them--

STORM: That's my big, honest fear, here.

RUSTY KEMP: It sounds like a lot of Midwestern states are, are, are following--.

STORM: Right.

RUSTY KEMP: --along with this, sir. So, they might be out-- running out of beef, or have to get it--

STORM: Sure. Sure.

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RUSTY KEMP: --from, from South America or something.

STORM: But I totally agree with you. It should be labeled-- this is not meat. You know, this is what's-- just like a pack of cigarettes. This is what it can do to your body, this is what's in it.

RUSTY KEMP: And, and once again, if it's--

STORM: And just move it away from the meat section.

RUSTY KEMP: And once again, if it's, if it's banned and it's not on the shelf, we don't need a label.

STORM: Sure. Yeah. I understand. OK. Thank you.

IBACH: Thank you, Senator. Other questions? Senator Hansen.

HANSEN: I'm-- I don't, I don't think anybody's asked this question yet, but do you think the cattle industry or the beef industry, if they did end up labeling this as beef-- has there, has there been a lawsuit in any of those states, like, similar to, like, you know, like deceptive practices or the labeling issue? Has there been a lawsuit you know? Do you know in any other states that made--

RUSTY KEMP: Not, not that I'm aware of, but I would say there would need to be, in those circumstances.

HANSEN: I'm just trying to think if, if it's-- whenever we have a bills like this come, it's like we're trying to figure out if this is better to address legislatively or if it's better to go through the court system. And so-- it's trying to figure out which [INAUDIBLE].

RUSTY KEMP: That's, that's a great question. I, I know the, the Europeans, especially the French, are very, very strict on their trade-- almost trademarking the region some foods or cheeses or wines come from. And we're a lot looser here, and I think that's to our detriment, sir.

HANSEN: I'm somewhat hungry for a ribeye, now.

RUSTY KEMP: Good. I know a guy.

HANSEN: Thank you.

IBACH: Thank you, Senator. Other questions from the committee? Seeing none. Thank you very much for your testimony.

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RUSTY KEMP: Thank you.

IBACH: Other proponents? Are there other proponents for LB246?
Welcome.

EDISON McDONALD: Hello. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm here today representing GC Resolve. We're an entity that works with communities, farmers, and tribes to help grow family farms. I'm here today in support of this legislation. We appreciate in particular now that Senator DeKay is working on an amendment to clarify. Specifically, this is targeted more towards our cultured or lab-grown fake meats. GC Resolve staunchly supports a ban on the sale of fake meat, particularly those produced in bioreactors from animal cells. We believe that introducing lab-grown meat into the market poses a direct threat to our traditional livestock sector, which forms the backbone of our state's economy and ensures support for our local markets. Our opposition stems not from resistance to innovation, but from a commitment to maintaining the vital connection between humans and animals. This relationship fosters a symbiotic coexistence that is crucial for the ecological and economic health of our communities. Disconnecting this bond by replacing live animals with bioreactor products could undermine the integration essential to sustainable agriculture. While we are deeply concerned about the environmental impact of large-- of large confined animal feeding operations, we do not consider lab-grown meat a viable alternative. Instead, we advocate towards a transition towards regenerative agriculture. This approach focuses on revitalizing and maintaining healthy living soils which support increased on-farm biodiversity and enhance traditional grazing and haying practices. Within regenerative principles, there are seven key principles that we like to focus on. Number one, minimizing soil disturbance, maintaining living roots, covering the soil, increasing plant diversity, cover cropping, maintaining soil armor, and most importantly, integrating livestock. We want to ensure that we are working with a process that will ensure ruminants such as cows and bison cyclically moving through our lands is not just a farming practice but a critical component of maintaining a healthy ecosystem. We fear that reliance on bioreactors could lead to a landscape devoid of these essential animals, moving us further away from Nebraska's native ecological state. A few notes. We appreciate, again, Senator DeKay's amendment. We want to make sure that we are protecting those vegetable-based options. And then second [INAUDIBLE], this is about our soil health. And I know there's been questions about, you know, why ban versus a label, and we would support a label. But part of ensuring we have healthy farms and we

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have healthy soils throughout Nebraska is ensuring that integration of livestock onto our farms, and ensuring that that sticks. I think our fear with this is that that could help to remove that aspect of our living biostructure. With that, I'll close, and say we support the bill, and open for any questions.

IBACH: Thank you. Are there questions from the committee? Seeing none. Thank you for your testimony. Next proponent. Other proponents for LB246? Welcome.

TRACY AKSAMIT: Thank you, Senators. Good afternoon. I'm Tracy Aksamit, T-r-a-c-y A-k-s-a-m-i-t. I'm a licensed architect and space planning analyst, representing myself. While I'm in favor of the spirit of this revision, I'm here to ask that we amend the bill to add clear language on the package of foods currently for sale that are an exception to the existing law. Section 4.2 (g) [SIC], which prohibits the sale of adulterated food of any valuable constituents, have been wholly or partially amended. These exceptions would include things like pasteurized and ultrapasteurized milk, and foods treated with glyphosate, among others. Conspicuous label language would indicate that valuable constituents of the food have been omitted, with direction on how to learn more. This labeling is necessary to restore trust in our food supply and increase awareness of food choice. In the 1990s, I learned that some foods were making my family sick, but I didn't realize, or I didn't want to believe how sick. I trusted the system and the media. I did a little research, and made a few dietary changes for my family. By 2010, I found that foods were making me sick, and I was prescribed drugs and a vitamin B12 shot to be administered by a doctor for the rest of my life. After more research and more changes, I was able to resolve my B12 deficiency on my own. In 2020, the entirety of the previous 30 years became more clear, as I began to see the health professionals I came to trust be literally censored off social media and elsewhere, and I learned even more about this wonderful world of nutrient-dense healing, traditional foods, and early effective outpatient treatments. I learned one shocking revelation after another, like the benefits of fermentation and that many people today actually drink raw-- delicious raw milk regularly. How totally odd is it that I can buy retail raw milk when I visit my family in California, but in Nebraska it is illegal? I continue to be fascinated by the reality of this new-to-me world. Much of this revelation has truly been a silver lining in a stark contrast to the darkness of the last five years. Let's begin to roll back of fictional fear-inducing stories that began 80 years ago with the dangers of raw milk, and continue today. Please support amending LB246 by requiring

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conspicuous labeling of exceptions to the sale of adulterated food.
Thank you for your time.

IBACH: Thank you very much. Are there questions from the committee?
Seeing none. Thank you for your testimony. Other proponents. Welcome.

KATHY WILMOT: Thank you for this opportunity to be here today. I've
read a multitude of documents talking about these lab-grown meats, and
one of the priorities, it seems like, in the development is actually--

IBACH: Excuse me--

KATHY WILMOT: --they have environmental goals.

IBACH: Excuse me just a minute. Can you state your name and--

KATHY WILMOT: Oh, I forgot to tell you. I don't get nervous. Never
nervous.

IBACH: --spell it-- that's OK. And spell it for us.

KATHY WILMOT: I think I'm Kathy Wilmot, K-a-t-h-y W-i-l-m-o-t.

IBACH: Thank you.

KATHY WILMOT: Anyway, it just seems like, really, their goals are
environmental goals. They talk about the fact that they'll use less
water, less land, and one of the evils that they're going to get rid
of, of course, is methane from livestock. And so, that's one of the
things they claim is the worst thing for climate change. According to
the advocates, methane has a much higher heat-tripping [SIC] capacity
compared to carbon dioxide, and it makes it a major factor in the
global warming. This source of emission is reduced, according to them,
if they can grow the fake meat. Therefore, we would have a more
cleaner and more sustainable food production. Advocates also allege
that the lab-grown meats are going to feed more people without
depleting the Earth's natural resources. They fail to factor in,
though, all of the energy and emissions in the production of that
meat, and you already heard earlier that nobody's really studied that
all the way through, but they do know it takes a lot of our energy and
things to, to run the bio-- the reactors. In addition, no one knows
those long-term effects of, of the cultivated foods may have on our
health. And I guess-- when we talk about that, I think of vaping. A
few years ago, oh my gosh, don't smoke cigarettes, vape. They're safe.
It's not going to hurt your lungs. Now, we know that's not the case.

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We have popcorn lungs, and we're warning people, stay away from vaping. So, again, many times when we, we jump to something, we don't really know what the long-term effect is going to be, and that's my concern. When you talk about injecting all kinds of things into those stem cells to make something grow rapidly, come up with some kind of fake food-- I'm a person who's fought cancer twice, and I'm going to tell you, if you've done that, you know, you're pretty careful about what you put into your system. And we do not know what these kind of, of foods would have an effect on health in the future. So, it isn't so much really about-- I mean, it is for me, making sure that our, our cattlemen and our ranchers and our farmers can, can continue. I-- that's a heartburn for me; I'm a sixth-generation Nebraskan. But definitely the health issue. What are we doing? What are we dealing with? What are the long-term effects? You can't tell me what they are, I can't tell you what they are. So, you know, I'm asking you, please pass this. Put some brakes on this. Let's find out what we're truly dealing with before we subject our families to these types of things. And that's-- I'm still Kathy Wilmot.

IBACH: Thank you. Are there questions from the committee? I just have one. In, in all of your research-- because you obviously have looked into this-- have-- has there ever been a statement or a trajectory toward-- in the next five years, this is the goal; in ten years, this is the goal? I mean, do they have any, do they have any statements out there that say where this will go in the future?

KATHY WILMOT: You know, I haven't heard of any, or I haven't seen any. I just know that when I look at-- so much of their discussion has to do with the environmental impacts and supposedly the benefits, and then, in my mind, I'm a person and I have to lay that against things like 2030, 2050, and I have to say to myself, somebody knows what that timeline may be, but I don't know.

IBACH: OK. Thank you very much.

KATHY WILMOT: Thank you.

IBACH: Other questions? Seeing none. Thank you. Other proponents. Any other proponents for LB246? Welcome.

WES WILMOT: Good afternoon, Senators. Thank you for--

IBACH: Welcome.

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WES WILMOT: --for all that you do to make Nebraska great. My name is Wes Wilmot, W-e-s W-i-l-m-o-t, and I am here in support of this bill today. I took, I guess, a little more personal approach. My family has been in the cattle business for generations, and Nebraska's been in the cattle business for generations. Nebraska ranchers and farmers have for over 100 years been improving their products through many seasons of genetic improvement. The results have been time-tested and proven to produce a high-quality, safe and efficient food source for the whole world. Nebraska beef is known around the world as the best beef available. Ranchers work day and night to ensure their livestock receive the best care possible, and Nebraska beef has a track record of being safe and consistent supply of highly nutritious food for folks. This test tube beef and petri dish pork just has no track record; we don't know if it's high in quality, we don't know if it's safe, and it will not be range-raised, corn-fed meat. I can guarantee you that. You know, if we allow this laboratory meat to be produced or even sold in Nebraska, it's going to cast a dark shadow over the whole meat industry before it's over. No one really knows what's in this mess, and the chemicals used will be many and strange. I did do a little research into that, man. I just got started into it and gave up on it, because it's got plastics and [INAUDIBLE], all kinds of different things. I don't know-- it-- it's not meat. And, and also, the amount of chemicals needed to produce, you know, the amounts of this fake meat that will be needed will be immense, and at some point there is going to be a leak into our environment. It's going to create that large disaster. And I do not recall of a cow or a pig ever causing an environmental spill of any, any size. They also claim this new meat will be much more planet-friendly, and I haven't seen any research stating that enormous laboratories covering hundreds of acres needing to be kept at an exact temperature will be more carbon-efficient than livestock breathing and keeping themselves warm. They'll show you pictures of this massive feedlot and then they'll show you this little building full of some kind of things that they're growing, and they'll compare the two, but it's not going to be like that. If they're going to raise enough of this fake meat to feed any amount of people, it's going to be massive. It's going to be hundreds and hundreds and hundreds of acres of buildings that are going to have to be kept at an exact temperature, or they won't grow. And it's going to produce a lot of carbon. And you don't hear any numbers on that. They just say, oh, it's going to be-- it's going to be earth-friendly. Anyway, I think the result will be an inferior product producing more carbon and reducing safety for the consumer. I think the true drive behind this is an assault-- this assault on Nebraska meat is profit.

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You'll never see a test tube rancher out in the middle of the night checking the herd. Please vote yes to move this bill out of committee. Thank you.

IBACH: Thank you very much. Are there questions from the committee? Seeing none. Thank you very much. Other proponents? Anybody else speaking in favor of LB246? Seeing none, will-- oops. Are you o--?

JOSEPHINE LITWINOWICZ: [INAUDIBLE].

IBACH: OK. Seeing no other proponents, we'll move to opponents.

JOSEPHINE LITWINOWICZ: [INAUDIBLE].

IBACH: OK.

JOSEPHINE LITWINOWICZ: Thank you, Senator Ibach.

IBACH: Do you wanna be the first to opponent?

JOSEPHINE LITWINOWICZ: Yeah, I just [INAUDIBLE]. I appreciate your accommodation.

IBACH: Thank you.

JOSEPHINE LITWINOWICZ: Hello, my name is--

IBACH: Welcome.

JOSEPHINE LITWINOWICZ: Oh, I'm sorry.

IBACH: You're fine.

JOSEPHINE LITWINOWICZ: Hey, I'm just glad my skin still blanches, so I mean, I'm just still warming up. Good evening, or good afternoon, members of the committee. My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z, and I really don't know where to start. Free market economy, you know, you don't pick winners and losers. The slow money gets burned. I'm not saying that-- you know what, in the future, it's not going to-- it doesn't even really matter, but it's not going to compromise beef sales. It-- nope, there's enough people-- I'm spooked by it. I'm, I'm, I'm a vegan, and so-- you can't sell-- it's-- I think still, you know, factory farm pork in California. Which is great. I don't have any problem about range food, and don't say free-range chickens, because that's not-- there's-- that's mislabeling. And so, what-- I actually don't know

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where to start, because I had a whole bunch of stuff-- I have cognitive issues; I might want another 30 seconds or so. What I was going to say is that, you know, in cow farts, you know, the methane, that, that is a problem, and it is, like, four times, you know, more than carbon. I mean, you know. And, and, you know, the oil companies, you know, they did all the research in the '70s, and they know about global warming, right? So, we don't, we don't even doubt it because it was the oil companies. Nobody says let's-- there's so much that nobody says anything about, but you know what? And discriminating against this food, and it-- wait. It's FDA approved. It's FDA approved. I wonder it's going to make out of committee, because I know-- you know, there's meat-- there are people-- you're asking these questions, but let's see the vote when it, when it leaves the committee or not. I see all these good questions, and I just anymore, with the, with the government we have, and my God-- anyway. So, you know, discriminating against that, and I'm being discriminated like black people and-- you know, as a-- as, as far as that email that went out today. You know, and so-- you know what? I guess the queer bought here, and I just might be the most intelligent person in the room. It's not-- you know, I could-- I can, I can give evidence for that, so don't discriminate me, and let's not discriminate about a free market economy. And there was a clever comparison between-- I'm sorry, I don't mean to be mean, I'm just-- you don't compare apples to oranges, for one thing. It's FDA approved. I want to see peer-reviewed research, and I want people to say and name what the research is. You know, I'm tired of this-- you know, this, you know, reduction of expertise, you know, and what happened in the Trump administration, you know? And, and I'm sick of it, because now they removed-- speaking of, of disintegration, the Trump administra-- they removed references to the-- to, to transgender and race, you know, in the national-- of Stonewall National Park-- monument. You know? And I-- yeah, and I just-- it's, it's so important for me, because I'm worried. You know what? And I guess I have to stop, because I never go on.

IBACH: Thank you very much. We'll see if there's questions from the committee. Are there questions from the committee?

JOSEPHINE LITWINOWICZ: I'm sure there are, but if you ask, I mean, I, I, I will know. And if we want to settle anything, I can probably give you some-- I don't think it's going to leave committee. And it'll be interesting to see the vote. I'm sorry. I'm going.

IBACH: Thank you. Thank you very much. Next opponent. Are there other opponents? Welcome. Oh, we need the chair. Thank you.

DANIEL GERTNER: Good afternoon, members of the committee. Thank you for providing the opportunity to present testimony on LB246. I want to share insights on meat alternatives, answer any questions, and urge you to reconsider this bill. My name is Daniel Gertner, D-a-n-i-e-l G-e-r-t-n-e-r. I'm a proud alum of the University of Nebraska-Lincoln, and am currently an agricultural economist at the Good Food Institute. The Good Food Institute is a nonpartisan 501(c)(3) organization that advances innovations and promotes a level regulatory playing field for alternative proteins within the free market. This includes plant-based meats like Impossible Burgers, and emerging products like cell-cultivated meat. These alternatives do not replace traditional agriculture, but offer an additional solution to growing global meat demand, which is expected to double by 2050 for consumers who choose these alternatives as an option. While innovations in ranching make it more efficient every year, research shows that there will simply not be enough agricultural and grazing land to satisfy consumers' appetite for meat. Business-friendly states like North Carolina are already attracting cell-cultivated meat companies to drive job growth, particularly in rural areas well-situated for new facilities. The states that lead the sector are creating good jobs for rural regions. These alternatives support food security, public health and supply chain resiliency. Meat alternatives free up water and land for farmers to use, and nearly eliminate the need for antibiotics in their production processes. They reduce our vulnerability to supply chain disruptions, unpredictable weather events, and disease outbreaks like avian flu, which is causing the current egg shortage and, and price increases that we're all experiencing today. They also reduce our reliance on imports, and support U.S. export markets. I also want to emphasize that the research makes clear that cell-cultivated meat is safe. It is also highly regulated. As was instituted under President Trump's leadership, products undergo a thorough review and a-- undergo a thorough regulatory review and approval for safety by both USDA and FDA before being available to consumers, and this is a more rigorous process than we see for most new foods. LB246 threatens Nebraska's principles of free market and limited government. We were happy to see trade associations and conservative think-tanks, including the Meat Institute, the Institute of Justice, the Cato Institute, and the National Cattlemen's Beef Association echo these concerns. They understand that the free market fuels American progress. Nebraskans who do not want to eat meat alternatives will not buy them, or supermarkets will not stock them, but that's for the market to decide. This bill sets a dangerous precedent, potentially leading to unfounded bans on other products. We urge you to vote no on

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LB246. Thank you for your time and consideration, and happy to answer any questions.

IBACH: Thank you very much. Are there questions from the committee? Senator Storm.

STORM: Thank you, Vice Chair. Thank you. So where's the Good Food Institute? Where are you based out of?

DANIEL GERTNER: So, we are-- thank you for the question. We are a fully-remote organization. We have a small policy office in D.C., but otherwise, we-- I'm currently located in rural Minnesota; we have employees all over the US, and we have affiliates around the, around the world.

STORM: OK. Where do you get your funding from?

DANIEL GERTNER: We're fully funded by philanthropy.

STORM: OK, so people donate money?

DANIEL GERTNER: Correct.

STORM: Big donors? Are you willing to disclose who your donors are?

DANIEL GERTNER: We have a variety of donors.

STORM: A lot of them?

DANIEL GERTNER: There's everyday people like, like you and me. There are, you know, large family foundations. We do not take corporate money.

STORM: No corporations?

DANIEL GERTNER: No crop-- no corporate money.

STORM: That's all I have. Thanks.

IBACH: Great. Well, you are just the person to ask a lot of these questions. Tell-- talk to me a little bit more about the USDA approval. You mentioned that in your, in your comments. Is it USDA approved?

DANIEL GERTNER: Yeah, so it's a dual regulatory approval process. So, FDA-- as a previous speaker mentioned, FDA reviews the approval of the

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cell lines up until the point of harvesting, and then USDA is in charge of kind of everything beyond that point. So, it's a dual jurisdiction.

IBACH: OK. And then, tell us a little bit more about your N-- NCBA comment, in that they believe in a free market. Are they supportive of this?

DANIEL GERTNER: They have-- I, I don't have the statement on-hand. They have spoke out against these bans, is my understanding, because they believe that their products can compete in the free market.

IBACH: OK.

DANIEL GERTNER: I believe that Nebraska farmers and ranchers can compete in the free market. I, I think that there are value to those products, and, and consumers can make the choice for themselves.

IBACH: I'm sorry, I was confused because I thought you said that NCBA was supportive of a free market and that they would support this program, but you're saying that they're opposed to it.

DANIEL GERTNER: I'm sorry. They, I believe, are opposed to bans,--

IBACH: OK. Thank you.

DANIEL GERTNER: --not to the idea of, of these products.

IBACH: Thank you. And then I just have one more question, because I'm sure you've revealed-- reviewed the bill as well. Can you help me understand? In the bill, it says "cells or nonanimal sources." Do you use non-animal sources for your production?

DANIEL GERTNER: Well, I-- OK. Thank you for the question. We do not actually produce. We are a nonprofit that advances research in the space, so I just want to clarify that the Good Food Institute doesn't produce any of these products. There are not-- my understanding of that language was that that was inclusive of plant-based meat products, like Impossible Burgers. It's my understanding there will now be an amendment to rectify that so this bill does not cover those. But for cultivated meat, those-- the cells come from animals.

IBACH: OK. All right. Thank you. Senator Raybould.

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RAYBOULD: Thank you very much for coming. And so, in your work with the Good Food Institute, have you encountered pushback on other alternative products that are being researched and introduced?

DANIEL GERTNER: Thank you for the question. I think, as with any-- I guess it depends what you mean by that. There are certainly consumers-- I'm sure many of them are in this room-- who would never eat cultivated meat, would never eat plant-based meat, but there are also consumers who are, who are open to all of those products. So, about-- we have some research that shows, you know, maybe about 50% of, of U.S. consumers would theoretically be open to trying cultivated meat right now. I should also say no cultivated meat products are currently available for sale anywhere in the U.S.. There are two products approved from two companies, but those were sold for very short trial periods in Washington, D.C. and San Francisco in individual restaurants, and are, are not available at the-- at this time. So if by, if by pushback you mean consumer pushback, there's varying levels of openness to, to a variety of products.

RAYBOULD: Well, I'm thinking of-- not necessarily consumer pushback, but the other industries that it would impact, like the beef producers, say, when soy burgers first came out, or other plant-based burgers came out. They, they said, well, they'll never be as good or taste as good, or, you know, consumers aren't going to buy them, and are they unsafe or are they safe? You know, did you-- have you seen that same apprehension on introducing other product lines that are not necessarily meant to replicate beef, but alternatives to beef?

DANIEL GERTNER: I think broadly, the answer to that would have to be yes. There-- there's clearly pushback to some of those products from, from a variety of people. I don't know if that's the majority of people or the, the minority of people. I will say that for plant-based meat products, they are much more advanced on the market. They still-- they've been on the market for-- in their current iteration for the last 15 years or so, and currently capture about 0.9% of U.S. retail sales, and conventional meat retail sales have grown significantly over that time. You know, this is not something that is capturing the meat market and, and taking over the meat market. Cell-cultivated meat is quite a bit further away from commercialization. This is not an imminent threat, and even when it is commercialized and available to consumers, I, I, I believe these are complementary and, and supplemental products, not replacement products.

IBACH: Go ahead.

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RAYBOULD: One more question. Well, how do you feel about "labing"-- labeling the products? I mean, that's-- we have another piece of legislation coming up talking about labeling, so consumers know exactly what they're purchasing.

DANIEL GERTNER: Yes. Thank you for the question. I will be speaking on, on that bill as well. I am in full support of clear labeling. That's central to the value proposition of these products in the first place. If, if this product were to be sold today, it would be significantly more-- they're only cultivated chicken products available-- that could be available for sale. If they were sold today, it would be significantly more expensive than conventional chicken products, and so consumers would need to know why that is the case and why they would choose to, to purchase those products. I will say that the USDA has said that the two products approved for sale need to be labeled clearly as cell-cultivated. So, when they were sold in, in the restaurants, they were clearly labeled as cell-cultivated and advertised as novel foods. So, I-- I'm fully in favor of clear labeling of the products.

RAYBOULD: OK. Thank you.

IBACH: Thank you. I have one more question. Just because I asked it before, and I think you would be the person to answer this. So, currently you said that there are no products available on the shelves, clear across the United States.

DANIEL GERTNER: Correct.

IBACH: Other countries?

DANIEL GERTNER: They're-- in Singapore, there is one product available in one retail store that is 3% cultivated meat and 97% plant-based protein, and there are a few cultivated quail products for sale in Singapore and recently a restaurant or two in Hong Kong.

IBACH: And so, when you sit down at your, at your industry meetings or your committee meetings, what do you talk about as far as long-term goals for your product?

DANIEL GERTNER: Yes. Thank you for the question. Again, we, we do not produce any of the products. We are an open-access research organization in this space. The long-term goal for these products is to provide a different-- additional options to consumers to meet growing global meat demand. As I said in my statement, meat demand is

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expected to double by, by 2050. Currently, global livestock production comprises about 75% of our agricultural land and produces 18% of our calories and 37% of our protein. As more comp-- as more countries industrialize and inevitably demand more meat, we need to be able to provide different types of products that can satisfy those demands. Those products will be conventional meat, as we all understand it, and, you know, they may also be plant-based meat products and cell-cultivated meat products.

IBACH: OK. Very good. Any other questions from the committee? Thank you very much for your testimony.

DANIEL GERTNER: Thank you.

IBACH: Any other opponents? Opponents for LB246. Welcome.

CHRISTOPHER SUKSTORF: Thank you. My name is Christopher Sukstorf, spelled C-h-r-i-s-t-o-p-h-e-r; last name Sukstorf, S-u-k-s-t-o-r-f. Thank you for giving me the opportunity to speak today. So my name's Christopher Sukstorf. I am a food safety inspector for the state of Nebraska. I would like to stress that my opinions-- I am not speaking as a representative of the department, nor do my views necessarily reflect those of the department, so. The FDA food code is a document that is based on science and research. Changes made to the food code at a federal level are added when the Conference for Food Protection, also called the CFP, suggests changes. CFP delegates suggest changes when delegates determine that a food safety risk exists and modifications to the food code can reduce that risk. As a result of this process, food safety inspectors can be confident that the code they enforce is based on risk to the folks who eat at the food establishments. Modifying the definition of adulterated food to include lab-grown meat without evidence of risk pose-- politicizes a code that should be founded in science. Altering the definition of adulterated food to include lab-grown meat also waters down the significance of the term. No longer will adulteration be a statement associated with foodborne illness alone, but rather a mixture of science and politics. If the governor or others truly believe that lab-grown meat produces a real and valid threat to families. The proper procedure would be to propose changes at the CFP, which is being held in March in Denver. Nebraska has multiple delegates who attend this conference and vote on changes. If there's evidence that suggests lab-grown meats leads to a food safety issue, the issue should be brought before the CFP so all Americans could be protected from this alleged risk. Another reason for my opposition to this bill

is the fixing of the market to benefit individual companies. While I do not personally eat lab-grown beef or meat, I believe every Nebraskan should be able to determine for themselves whether they want to consume a product. Banning the product outright stands in contrast to the open market system that so many Nebraskans respect. I'd like to conclude my testimony by saying I believe that the bill that's coming later, LB658, is a more agreeable bill on the topic of lab-grown meat. As a consumer, I appreciate the additional transparency. Labeling requirements wouldn't offend the open market, and wouldn't put food safety inspectors in the middle of what is truthfully a political matter. Thank you for-- thank you for your time today, and I'll answer any questions that you have.

IBACH: Thank you very much. Are there questions from the committee? Seeing none. Thank you very much.

CHRISTOPHER SUKSTORF: Thank you.

IBACH: Other opponents? Opponents for LB246? Seeing none, we'll go to neutral testimony. Is there anybody here that wants to testify in a neutral capacity? Welcome.

CRAIG UDEN: Thank you. Good afternoon, Vice Chairman Ibach, and members of the Agriculture Committee. My name is Craig Uden, C-r-a-i-g U-d-e-n, and I serve as the president-elect of the Nebraska Cattlemen. Nebraska Cattlemen is testifying today in a neutral capacity on LB246, and as a member of the Nebraska Chamber of Commerce, we were also speaking in a neutral position on their behalf. Nebraska col-- Nebraska Cattlemen's Policy supports the labeling and regulation of non-meat products. The state's authority should lie with the USDA Food ins-- Food Safety and Inspection Service, and be regulated on a national level to avoid different regulations across states. Research, regulations, and oversights are supervised by the FDA from the gathering of stem cells to harvest, and USDA FSIS from harvest to the final consumer. Currently, cell-cultured meat products are not available to the consumer at the retail stores. Before those products become available, NC strongly supports the regulation with prominent and distinct manufacturing and nutrition labels. Products should not be available to consumers without full ingredient disclosure. NC does not support the outright ban of any product, as the cattle industry has faced attempts to restricting or banning our products from the marketplace and consumer pull-- plates. 2016 livestock producers associations faced national attempt from the Meatless Monday campaign to encourage military personnel to forgo meat consumption one day a

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week. Most recently, the federal government attempted to change dietary guideline recommendations to further limit recommended red meat consumption and replace it with proteins like lentils. Nebraska Cattleman has long stood for the promotion of beef, and know that if we are to ban cell-cultured meat from the grocery stores, traditionally-grown products would be on the chopping block in other states, as they, as they have been in the past. In closing, the Nebraska Cattlemen firmly believe cell-cultured protein manufacturers should have the same labeling requirements as beef producers do. If those companies are not willing to meet the same requirements we are, then we, we would-- then a ban would be necessary. Other states have attempted to ban cell-cultured meat, resulting in lawsuits that cost the taxpayers money. We know that beef is a better-tasting, more nutrition-- or, nutrient-dense product, and we are confident consumers will continue to purchase our superior product regardless of the other choices they may have. We look forward to working with Governor Pillen and Senator, Senator DeKay to continuous-- continuing on this important discussion. Thank you for your time and consideration. I'd be happy to answer questions.

IBACH: Thank you very much. Are there questions from the committee? I would just ask you to expand a little bit, with your experience at NCBA, what their overarching message would be on a national level.

CRAIG UDEN: We're never afraid of competition, but we always want to know what we're up against, and always a level playing field. OK? So, I mentioned in here a manufacturing label. I think that's extremely important, and there's been some questions about the plant-based proteins. And when the, when the manufacturing and the, and the idea of how those, how those foods were produced, then it give the consumer a better choice of understanding what they were getting into, as well as also having nutritional labeling and understanding that there-- even though it was-- it, it, it was-- it tried to mimic beef; it did not have the same nutrient and caloric contents as, as natural beef. So, level playing field-- labeling would be the way to go. The, the one issue that's in there, where FDA doesn't always put those steps in, and, and USDA does the inspecting and, and the safety and the nutrition side of it, so.

IBACH: Has US--

CRAIG UDEN: It's two components, which is somewhat time-- sometimes confusing.

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IBACH: Has USDA had the conversation with USDA [SIC]? NCBA, have they had the conversation with USDA?

CRAIG UDEN: They, they have. And, and it, it goes back to labeling and making sure that it's a level playing field, and that the processes of how this is manufacturing on the labeling. Manufacturing label is, is out there for the consumer to-- and proper labeling one-- once it hits the shelf, if it ever would.

IBACH: Do you have any idea how much money was spent on the anti Meatless Monday campaign?

CRAIG UDEN: No, I do not. But it was a lot.

IBACH: A lot.

CRAIG UDEN: An awful lot.

IBACH: Other questions from the committee? Seeing none. Thank you very much for your testimony.

CRAIG UDEN: Thank you.

IBACH: Other folks testifying in the neutral? Welcome.

BRUCE RIEKER: Thank you. Vice Chair Ibach, members of the committee, my name is Bruce Rieker, B-r-u-c-e R-i-e-k-e-r. I'm senior director of state legislative affairs for Farm Bureau, here on behalf of the Nebraska Ag Leaders Working Group, testifying neutral for LB246. For your reference, I think I've been-- yeah, I've been before the committee before, but the members of the Ag Leaders Working Group are the Cattlemen, Corn Growers, Farm Bureau, Pork Producers, Sorghum Producers, Soybean Association, State Dairy Association, Wheat Growers, and Renewable Fuels Nebraska. We appreciate Senator DeKay bringing this measure at the request of the governor. This is a prominent issue that deserves your attention. As you know, LB246 would prohibit the manufacture, distribution, and sale of cultured proteins and products in Nebraska. The measure also defines cultured products to mean adulterated food products, which is prohibited under the Pure Food Act. And I'll give you an example-- or, this is the example of Nebraska's Farm Bureau-- or, Nebraska Farm Bureau's policy on this issue. I want it to be clear that this is Farm Bureau's, but for all of the Ag Leaders, we do agree that the best way to approach this is labeling. We support animal agriculture and traditionally-produced meat protein as a healthy, safe, environmentally-responsible part of

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the human diet. Regardless of a ban, we support the restriction of plant-based and lab-manufactured protein makers from using the word "meat" or other commonly-used meat terms in describing their products. These terms should be reserved for protein traditionally harvested from livestock, poultry, fish, or wild game. In the absence of federal regulations, we would support state-level legislation on the labeling of plant-based and lab-manufactured protein products, as described above. We oppose the use of state tax dollars being used to purchase, research, or promote lab-manufactured protein for human consumption, and we also support the Interstate Commerce Clause of the U.S. Constitution for all food commodity products which comply with public health or food safety. I think I'd also mention that just last week South Dakota passed a, a law-- signed into law a labeling requirement for lab-grown meat. We are willing to work on this, to help with a label or whatever that may be to discuss regulatory issues. And if I may, to save you time, I will also-- I think you all got an email about this, but we do support the following bill that you will hear, Senator Andersen's LB658, and we've submitted a letter of support for that from the Ag Leaders as well.

IBACH: Very good. I didn't realize South Dakota is working on labeling. Thank you for sharing that. Are there questions from the committee? Seeing none. Thank you very much.

BRUCE RIEKER: You're welcome. Thank you.

IBACH: Next neutral testifier. Anybody else in the neutral position? Seeing none. Senator DeKay, would you like to close? While he comes up, I will just note that we had 19 proponent letters, 22 opponent letters, and 2 in the neutral. Go ahead.

DeKAY: Thank you, Vice Chair Ibach. There are clear recognized nutritional benefits as meat as a source of protein. While there may be some replication, it is uncertain whether manufactured meat protein is a substitute for natural meat as a source of essential dietary needs. I question elevating lab meat to the level of equivalency with real meat. And back to what-- we originally talked about what goes into not only just the ingredients in the stem cells that are being grown, but the, the process in general, the total process of cleansing the meat with chemicals to make sure proper sterilization, that those stem cells can be grown to where they become a food product. The-- so, those chemicals involved with that are-- need to be questioned, and how they could dictate a person's health, too. And reasons for having lab-grown meat would be "equick"-- equi-- equal nutritional value, a

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cheaper product, a proven safety record that comes from time to evaluate ingredients that are safe, that provide nutritional value, which includes taste, and I don't see getting the same taste value as corn-fed beef without artificial flavors and the adverse effects of those. And I don't see, from some of the data I've seen, that there is equal nutritional value with lab-grown meat. That's not going to be a cheaper product. And when it comes to this bill, in my mind, it is easier to stay ahead of potential problems than it is to catch up after something bad happens that we don't have sufficient education on. I appreciate Mrs. Wilmot's testimony on the health benefits or the health ramifications of it. There are a lot of people that testified today promoting pro/con on this issue, and it's very important to have both sides of it. Nobody that testified did not tell the truth. Sometimes it's harder to get the whole truth without knowing the whole story. And from some of the information I have gathered, I, I can furnish some of that information going forward if this bill goes forward. And when it comes to some of the earlier conversations that I had in this hearing with Senator Raybould, in, in her grocery stores, I'm sure that there's nothing that goes on the shelves that are used by the proper labeling that is not safe. Lab-grown meat is not going to be able to prove that information that, if you put it on the shelves today, it's going to be safe to ingest tomorrow. That's where we need time to pull back the reins, stop this from getting away from us, and having to play catch up with detrimental health effects to the general public going forward, until we do know the total impact of what this could cause going forward. With that, I'd be happy to answer-- try to answer any questions.

IBACH: Very good. Are there questions from the committee? I just have to apologize. I did ask a question earlier about the non-animal sources, and your amendment does address that, so I apologize for that question. Any other questions? Seeing none. Thank you very much. This will close the hearing on LB246.

Unidentified: To. Yeah. Yeah. Pretty.

DeKAY: Senator Andersen, you are welcome to open on LB658.

ANDERSEN: Thank you. Good afternoon, Chairman DeKay, and members of the Agriculture Committee. For the record, my name is Senator Bob Andersen, B-o-b A-n-d-e-r-s-e-n, and I represent Legislative District 49 in northwest Sarpy County and part of Omaha, Nebraska. Today, I'm here to introduce LB658 to ensure clarity and transparency in food labeling for Nebraska consumers. LB658 does three things. First, it

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establishes clear definitions for manufactured-protein food products, including cultivated protein, insect protein, and plant protein. Second, it requires that these products be properly labeled with qualifying terms to prevent consumer confusion. Third, it grants the Department of Agriculture enforcement authority to investigate complaints of mislabeling or false advertising. I wanted to thank the Nebraska Department of Agriculture and the Revisor's office for their assistance in drafting this language from Title 19, Chapter 1 of the Nebraska Administrative Code. LB658 was developed in response to a growing concern about consumers being misled regarding alternative protein products. Many of these products are marketed using terms traditionally associated with animal-derived meat, leading to potential misrepresentation. The bill aims to ensure that consumers are presented with most accurate information on the product's label. Under current law, the Nebraska Pure Food Act provides general provisions for food safety and labeling, but it does not specifically address the rise of alternative protein products; LB658 amends existing statutes to define these products and set forth clear labeling requirements. Similar measures have been enacted in other states to protect consumers from misleading advertising, providing a transparent marketplace for all products. This issue has gained national attention with stakeholders in both traditional agriculture and alternative protein industry weighing in on the-- weighing in on the best practices for labeling. LB658 takes a balanced approach, ensuring that alternative protein products remain available, but are marketed in a way that is honest and transparent. Overall, LB658 defines terms, which is "manufactured-protein food product," "cultivated-protein food product," and "insect protein food product." It requires alternative protein products using meat-related terms to include a prominent qualifying term, such as "plant-based" or "lab-grown." [INAUDIBLE] misleading advertising and mandates that these products be clearly distinguished from traditional meat products in stores. It grant-- also grants the Department of Agriculture authority to investigate and enforce violations. LB658 does not impose new laws or burdensome regulation; it simply ensures fairness in labeling. Additionally, this ban-- bill does not ban alternative food products; it simply requires accurate product presentation. I understand the term "separate," as referred to in lines 19 and 30 on page 4, could be seen, seen as vague, and if it involves a matter of distance or a separate cases, might be especially difficult for small independent or convenience stores. Additionally, while meat alternatives should be labeled appropriately, the requirement for separate shelf tags could be challenging and costly for small stores still running paper tags, or

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especially tricky for those who may have transitioned to electronic shelf tags. My goal is a common-sense approach to ensure products are labeled appropriately and marked clearly so consumers are not confused at time of purchase. My staff and I are willing to work with the department and industries to ensure these requirements are not unduly confusing or burdensome for small business. I thank you for your time, and I welcome the opportunity to answer any questions.

IBACH: Thank you very much. Are there questions from the committee? I just have one. Do you know what the current labeling requirements are? I see Senat-- or, Director Vinton left. I'm wondering if there are any penalties currently for any mislabeling, or if there's any labeling requirements--

ANDERSEN: I don't know, but I can find out for you.

IBACH: OK. Somebody-- well, somebody might have the answer, too. So, thank you. Any other questions? Seeing none. You'll stick around for closing?

ANDERSEN: Yes, ma'am.

IBACH: Thank you.

ANDERSEN: Thank you, Vice Chair.

IBACH: Let's start with proponents. Are there proponents for LB658? Proponents. Welcome.

CRAIG UDEN: Good afternoon again. Thank you, Chairman-- Vice Chairwoman--

IBACH: Whatever I am.

CRAIG UDEN: --Ibach, and members of the Agriculture Committee. My name is Craig Uden, C-r-a-i-g U-d-e-n. I serve as the president-elect of Nebraska Cattlemen. I'm representing Nebraska Cattlemen in support of LB658, as we believe proper labeling will ensure a level playing field for real beef produ-- products in the marketplace, and prevent false and deceptive marketing. We believe in an alternate-- we believe any alternate protein products should meet the same labeling requirements as beef. Labels must be distinct, and inform consumers of the difference between protein products in their marketing programs. LB658 does this. Consumer transparency should be at the top priority when new foods are developed for the marketplace. Alternative protein

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product companies should not be allowed special privileges in the marketplace to camouflage the product's real ingredients. Many of these manufactured-protein companies continue to use meat terms, such as burger, patties, steak, or roast. This bill allows for the continued use of those terms, but requires a qualifying term to more clearly represent what the product is. The use of these terms to describe products that merely imitate real foods should be clearly detailed for consumer safety and information. Proper labeling requirements also ensure fair and equitable marketing between traditional beef and manufactured-protein products. Consumers know how our conventional beef products are grown and processed to be delicious beef cuts that they see at the grocery store; the same should be set that the other companies with products in the coolers at the meat counter. Beef producers are transparent and willing to discuss the production methods that they use to feed and grow their cattle in this state. We should, at a minimum, mandate the same for others. We appreciate Senator Andersen introducing this bill, taking a step towards a fair and equitable playing field for all the grocery stores, as well as enduring and assuring consumer protection. The Nebraska Cattlemen-- we believe you don't make friends with salad, or salad pretending to be a hamburger. Thank you for your time and consideration. I'll be happy to answer questions.

IBACH: Very good. Thank you. Are there questions from the committee? I'll just ask you, Craig, because you might know this. Under the Pure Food Act, the current labeling requirements for beef or alternate products-- how do we monitor that? Does the Nebraska Department of Ag, do they monitor the labeling?

CRAIG UDEN: I, I am not-- I'm, I'm not sure that.

IBACH: I should have asked that question earlier.

CRAIG UDEN: Again, some of the challenges, as far as, like, the manufacturing aspect, what, what we have been discussing in the past, sometimes is one agency versus the, the nutrition and the, and the quality is, is another agency.

IBACH: I'm sure they follow federal guidelines, but I just wonder what those "labeling" requirements are locally. I'll, I'll find out.

CRAIG UDEN: That's what we're trying to make sure, that they are equal.

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IBACH: OK. Very good. Turn it back over to you.

DeKAY: You still on proponents?

IBACH: Proponents.

DeKAY: Are there any other questions from the committee? Seeing none, thank you.

CRAIG UDEN: Thank you.

DeKAY: Next proponent. Administration leadership.

WES WILMOT: Afternoon, Senators.

DeKAY: Afternoon.

WES WILMOT: My name is Wes Wilmot, W-e-s W-i-l-m-o-t. I'm from Beaver City, Nebraska. I'm here as a proponent for this, this addition to a bill today. It's my contention that any material not born and raised on American soil and feed grass and corn is not meat. And we already have country-of-origin labeling, we should certainly have truth of contents labeling also. We owe it to the farmers and ranchers of Nebraska who have spent generations refining their product to have their products protected from these money-hungry companies. We also ought to Nebraska consumer-- protect them from these attempts to deceptively force this fake meat product on them. There's been no proof establishing the claims of the producers that their substance will provide the same nutrition with reduced carbon emissions. There are no proof that the products produced in a laboratory will even be safe to consume. Remember, the last thing that just about killed us all came from a laboratory. I also believe these products should not be sold anywhere near our great meat products. If someone wants to buy that product, let them go where the rest of the fake food is, and buy it there. This bill needs this addition to the original. It's excellent, and I thank you for addressing this problem. And please vote yes to move it out of committee. Thank you.

DeKAY: Thank you. Are there any questions from the committee? Seeing none, thank you. Next proponent.

KATHY WILMOT: Good afternoon. My name is Kathy Wilmot, K-a-t-h-y W-i-l-m-o-t, and I'm here to testify on my own behalf, but also on behalf of Nebraska Eagle Forum, who is always focused on things that help our families and promote our families. LB658 provides some

important and much needed definitions of various cultivated and manufactured foods. LB658 requires accurate labeling that allows customers to know if the foods they are choosing are an insect protein food product, or a manufacturing food product, or plant protein food product. And that's really important, because-- especially with the plant-based. You know, an individual may have some allergies and things that they have to deal with. And as I was sitting here listening too, something that crossed my mind is our medications we take are, you know, checked; they go through all kinds of, of procedures, and-- but we always have to have something that talks about if there's side effects or anything like that, and I think that's what's really important with some of the labeling, because there may be things in there that you would see listed that you know trigger different things, protect-- perhaps just in one individual, but things they need to be aware of for their safety. The portion of the bill that would require such products to be placed in "leparate"-- separate locations from the actual meat products, I think is also important. You know, we have health food stores where if you want some of these alternative things, you go get them. And I think that maybe it doesn't take a separate store, but it takes a separate location. And so, I would encourage you to vote yes to this particular bill, to allow our consumers to be accurately-informed of the choices that they have when they go to make their selections. Thank you for this opportunity.

DeKAY: Thank you. Are there any questions from the committee? Seeing none. Thank you. Next proponent.

RUSTY KEMP: Good afternoon, Chairman DeKay, the rest of the board. If my name is Rusty Kemp, R-u-s-t-y K-e-m-p. Wasn't really prepared to testify on this bill; I was asked to, so let's just see how this goes here. I'll probably need a lot of questions, please. You know, you know, once again, words, words have meaning. Beef, beef is what we've been producing for generations, and these alternative products are not beef, they are not pork, they are not chicken; they should not be labeled as such. We should not be misleading consumers. We have spent a lot of time and money and effort promoting our product all over the world, and we have a great reputation worldwide, and these, these imitation inferior products should not be able to piggyback on our good reputation. In 2019, I was in Tokyo at a, a meat purveyor's office, and we were going over some of the literature he had for us, and it was Captain Beef from Nebraska. And so, I was visiting with him, and I'm like, OK, I get the Nebraska part. He says, well, what-- what's the deal with the captain? He's-- well, the captain, he's the

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number one guy, and this is the number one beef. I'm like, all right, if it's selling, beef will go with it. But, you know, that's the sort of thing we've been working on for generations. We've spent piles of money through our checkoff system to promote it. They don't need to be, be benefiting from all our checkoff dollars we've created to promote, promote and create a demand for our product. Words have meanings. That's not beef, that's not pork; it should not be labeled as such, should not be proximate in a cooler or anywhere near, near the, the true product so we're not misleading consumers. Once again, we're, we're happy to compete on quality any day of the week, but it has to be labeled correctly. They cannot be calling something what it is not. Be happy to stand for questions, please.

DeKAY: Thank you. Are there any questions from the committee? Seeing none. Thank you.

RUSTY KEMP: Thank you.

DeKAY: Next proponent. Seeing none. First opponent.

JOSEPHINE LITWINOWICZ: Don't mind me. Good afternoon, Chairman DeKay. And I just got a little angry last time. My name is Josephine Litwinowicz, L-i-t-w-i-n-o-w-i-c-z. Now, there's no concern about genetically-modified corn. I'm telling you, that, that could be-- talk about long-term possibilities with that, and it's going and going. So, let's not, let's not do it. And it's-- the-- it's not improperly labeled. You can say culturally grown, or culturally-- whatever the wording is. And it's, it's, it's not fake beef. It's not, it's-- it's exactly what it says. It's like genetically-modified corn. And it's in the context of-- it's not, like, you know, from an animal, but it actually, you know, not genetically modified-- you know, natural breeding is fine, you know? And so-- and I just want to say that we're discriminating against this business. And if you look at the abject cruelty from-- I know the governor, I'm sorry. I like him, but, you know, I'm a vegan, and, and so we're, we're, we're talking about comparing this [INAUDIBLE] not fake beef-- and wording is important. It's so important. But we're looking at a product from a factory farm. Watch Pignorant. You want to see suffering? And so, do you-- I mean, I meant do you think Jesus would eat the meat-- I don't want to pick up one of the governor's-- factory farm, where the pigs-- the, the lungs-- I don't, I don't if he uses carbon dioxide, so I, I don't know. And I sure found out. But they're crammed in-- you know, the cage is, like, 12, 14 to 16 square feet. You know, when a pig gets big enough-- and so, when you think Jesus, would he say, oh, I'm going to

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keep this animal on free-range farm, and not a fake free-range farm, do you think he would go there, and he would look at, you know, the process, right? Because he would look at the process of how a farm animal was killed, you know, or raised, you know. And I'm just wondering-- and he looks up at the pigs in the, in the misery, which one would he eat? And actually, more importantly, which one would he definitely wouldn't eat? And I know-- I'm not saying-- because-- and I-- actually, we'd get more protein, you know, if we grew plants only. It'd be so much more, we'd get so much more food value and quantity. And you can get protein. There are bodybuilders, you know, football player-- one-- that's vegan. So, this mythology of protein from plants, for example, and that's a separate, but-- OK, I want-- man, I had more to say. Because words are important. And almond milk, are you kidding me? Milk is something you-- I put that on my cereal. It doesn't-- I don't know. Because we should put it together, because why? Because you use them for the same thing, right? Because I'm vegan, I switched-- I'm so glad that you can have that milk next to the other, because I can use that on my cereal just like the other. And if you want to see the misery of factory farm-- I'm talking about factory farming. Cows. My God, and, and they're genetically bred, and so they have so much, you know, milk, they're in pain. I mean, genetic breeding, it does-- you know, it doesn't have to be, like, from a, a lab or a petri dish. It can be done, you know, just through conventional means without-- with, with a deleterious, to say the least, effects on the animals and the pain they endure. Thank you.

DeKAY: Thank you. Just--

JOSEPHINE LITWINOWICZ: [INAUDIBLE] I know. I know.

DeKAY: No questions. Do you-- just a second. Are there any questions? Seeing none. Next opponent. Any other--anybody in a neutral capacity?

ANSLEY FELLERS: Thank you.

DeKAY: Thank you.

ANSLEY FELLERS: Thank you, Chairman DeKay, and members of the committee. My name is Ansley Fellers, A-n-s-l-e-y F-e-l-l-e-r-s, and I'm here on behalf of the Nebraska Grocery Industry Association, testifying in a neutral capacity on Senator Andersen's LB658. Senator Andersen, I believe, sought to mimic the legislation recently passed in Iowa. While this is not the language passed in Iowa, it appears to be more related to the regulations proposed here in Nebraska last

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fall. The Iowa bill, which was not opposed by the impacted industries, was very specific to food manufacturers, and put the onus of properly labeling-- proper labeling on the manufacturer, which is consistent with state and federal law. Our association has similar concerns with LB658 that we shared with the Department of Ag last fall, when this language was released as a proposed rule. We're here in a neutral capacity because Senator Andersen and his staff expressed a willingness to clarify with an amendment or through statements on the record that this is not intended to be a gotcha for retailers. The quote-unquote "separation of products" as proposed by the bill is vague, and could threaten even well-meaning retailers. A specific distance, another shelf, or a separate cooler might not sound like a big deal, but it will certainly be more problematic for small independent stores or convenience stores. Additionally, it appears retailers would have to purchase different separate shelf tags for the products covered under the bill. This is costly for stores who still have paper shelf tags, and might actually be even more costly or tricky for stores that have paid to transition to electronic shelf tags. We also believe the requirement for different tags is duplicative and unnecessary, given the labeling specifications outlined. Lab-grown meat is not yet available in U.S. grocery stores. If or when it is, the product will have a USDA inspection stamp and the prefix "cell-cultured" on it. That said, it's clear consumers and even folks in agriculture feel differently about lab-grown meat than, say, plant-based products. Some plant-based products are highly processed to mimic the taste and texture of meat, but there are many plant-based products available for a variety of reasons; not just for preference, but for allergies like eggs, specialty diets, and et cetera. Not to mention, we grow a lot of peas and beans here in Nebraska. Right now, plant-based foods must prominently display a term like "meat free," "plant-based," "vegan" or "vegetarian" on the front of the package. While retailers aren't necessarily directly engaged in the labeling discussion, it's in everyone's interest to ensure label information is accurate, science-based, and relatively simple to ensure consumers are able to read and understand ingredients, nutrition, and spot possible allergens. With that, I'm happy to answer any questions. Appreciate your time and sender-- Senator Andersen's the last few days, working with us.

DeKAY: Thank you. Senator Raybould.

RAYBOULD: Thank you, Ms. Fellers, for testifying. So, as I was reading the bill, I agree, those sections-- it's on page 4, lines 27 to 31, and then it continues on page 5-- they do seem a little bit wonky and

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clunky, and, and I can see they're subject to misinterpretation. You know, with additional distinctive tags might be really onerous, and I think you identified that. The question to you is, are, are you going to be working with Senator Andersen to help clean up some of the language? And I see people behind you shaking their head yes. OK, good.

ANSLEY FELLERS: We definitely would like to. Yeah. Thanks

RAYBOULD: OK. Terrific. Thank you.

DeKAY: Any other questions? Seeing none. Thank you.

ANSLEY FELLERS: Thank you.

DeKAY: Next person in a neutral pers-- position.

DANIEL GERTNER: Thank you, Chair DeKay, and members of the committee. My name is Daniel Gertner, D-a-n-i-e-l G-e-r-t-n-e-r. We see no significant problems with LB658 as currently written, and appreciate the intent of the bill to ensure accurate labeling of cultivated meat and promote transparency for consumers. I do want to reassure this committee that the industry shares a commitment to transparency; they believe in labeling their products in a truthful way that informs consumers and adheres to federal requirements. Cultivated meat producers are proud of their products, just like Nebraska farmers and ranchers are proud of theirs. In fact, accurate labeling is central to the industry's value proposition, justifying its significantly higher price tag. Nobody is going to buy a product that is more expensive than a conventional meat product without knowing what exactly it is they're buying and what differentiates that product. I also want to reassure this committee that federal agencies are already thoroughly regulating cell-cultivated meat for safety and wholesomeness. As was instituted under President Trump's leadership, products undergo thorough regul-- regulatory review and approval by both USDA and FDA before being available to consumers. USDA-approved labeling already requires packaging to say cell-cultivated, and we know that federal agencies' pre-emption of state law in this space is assured. Thank you for your time and consideration, and happy to take any questions.

DeKAY: Thank you. Are there any questions from the committee? You're-- you have an association with Good Foods?

DANIEL GERTNER: The Good Food Institute, yes.

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DeKAY: OK. And you said earlier that corp-- you got donations from-- Senator Storm asked a question about donations, where your funding came from, and you-- are corporations and foundations considered basically the same thing or not?

DANIEL GERTNER: I am not on our development team. I can follow up on that question. It's my understanding that they are not considered the same thing, that-- I, I would think of corporations as kind of, you know, LLCs that are selling products on the market, and foundations as, you know, philanthropic organizations that fund a variety of philanthropic endeavors.

DeKAY: If you could follow up on that for me, would you get that information back to me?

DANIEL GERTNER: Yes, I will, I will follow up on that, and I will share whatever, whatever information I can on that.

DeKAY: OK. I appreciate that. Any other questions? Seeing none, thank you.

DANIEL GERTNER: Thank you.

DeKAY: Next testifier in a neutral position. Seeing none. Senator Andersen, you are welcome to close. While he is coming up, for the record, there were-- record for the hearing, there were 25 proponents, 4 opponents, and 1 in a neutral capacity.

ANDERSEN: Thank you, Chairman DeKay. Senator Ibach, that handout is in response to your question earlier about what's the penalty. As you can read through here for, for violating the Nebraska Pure Food Act. As you can see, it's a Class I misdemeanor, which has a maximum fine of \$500. Thank you, Chairman DeKay, members of the Agriculture Committee. First, I want to thank the online and in-person testifiers for their support of my bill. LB658, which my office has referred to as the "Requiring Exact and Accurate Labeling of Meat Act", or the "REAL Meat Act," focuses on truth in advertising. It will ensure customers are presented with the most accurate information prominently on the product label. It prohibits misleading advertising, and mandates that these products be clearly distinguished from traditional meat products in stores. Lastly, it grants the Department of Agriculture authority to investigate and enforce violations. Bottom line, there'll be no confusion whether a product is meat or a manufactured-protein alternative. I thank the Agriculture Committee for their time and

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consideration. I look forward to working with this committee to move LB658 to the floor for passage by Legislature, and will answer any final questions you may have for me.

DeKAY: Thank you. Are there any questions from the committee? Seeing none, thank you.

ANDERSEN: Thank you, Mr. Chair.

DeKAY: With that, that ends our hearing on LB658, and that ends our hearings for today. Thank you.