

1 SB369
2 200034-1
3 By Senators Sessions, Livingston, Scofield, Price, Chesteen,
4 Williams, Whatley, Shelnutt, Orr and Melson
5 RFD: Agriculture, Conservation and Forestry
6 First Read: 02-MAY-19

SYNOPSIS: Existing law provides standards for the labeling and packaging of meat and meat food products.

This bill would provide that a food product containing cultured animal tissue that is produced from animal cell cultures and not derived directly from an animal may not be labeled as either meat or a meat food product.

A BILL
TO BE ENTITLED
AN ACT

Relating to agriculture; to amend Section 2-17-10, Code of Alabama 1975, to provide that a food product containing cultured animal tissue that is produced from animal cell cultures and not derived directly from an animal may not be labeled as either meat or a meat food product.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 2-17-10, Code of Alabama 1975, is
2 amended to read as follows:

3 "§2-17-10.

4 "(a) When any meat or meat food product or poultry
5 food product prepared for intrastate commerce which has been
6 inspected as provided in this chapter and marked "Alabama
7 inspected and passed" shall be placed or packed in any can,
8 pot, tin, canvas, or other receptacle or covering in any
9 establishment where inspection under ~~the provisions of~~ this
10 chapter is maintained, the person, firm, or corporation
11 preparing ~~said~~ the product shall ~~cause~~ attach a label ~~to be~~
12 ~~attached~~ to ~~said~~ the can, pot, tin, canvas, or other
13 receptacle or covering, which label shall state that the
14 contents thereof have been "Alabama inspected and passed"
15 under ~~the provisions of~~ this chapter, and no inspection and
16 examination of meat or meat food products or poultry food
17 products deposited or enclosed in tins, cans, pots, canvas, or
18 other receptacle or covering in any establishment where
19 inspection under ~~the provisions of~~ this chapter is maintained
20 shall be deemed to be complete until such meat or meat food
21 products or poultry food products have been sealed or enclosed
22 in said can, tin, pot, canvas, or other receptacle or covering
23 under the supervision of an inspector.

24 "(b) All carcasses, parts of carcasses, meat and
25 meat food products, and poultry food products inspected at any
26 establishment under the authority of this chapter and found to
27 be not adulterated shall at the time they leave the

1 establishment bear, in distinctly legible form, directly
2 thereon or on their containers, both shipping container and
3 immediate container, as the commissioner may prescribe, such
4 information as will insure that the same are not misbranded in
5 contemplation of subdivision (13) of Section 2-17-1.

6 "(c) The commissioner, whenever he or she determines
7 such action is necessary for the protection of the public, may
8 prescribe definitions and standards of identity or composition
9 for articles subject to this chapter and standards of fill of
10 containers and styles and sizes of types thereof for such
11 articles not inconsistent with any such standards established
12 under the federal Food, Drug and Cosmetic Act or under the
13 federal Meat Inspection Act or under the federal Poultry
14 Products Inspection Act, and there shall be consultation
15 between the commissioner and the Secretary of Agriculture of
16 the United States prior to the issuance of such standards to
17 avoid inconsistency between such standards and the federal
18 standards.

19 "(d) No article subject to this chapter shall be
20 sold or offered for sale by any person, firm, or corporation,
21 in intrastate commerce under any name or other marking or
22 labeling which is false or misleading or in any container of a
23 misleading form or size, but established trade names and other
24 marking and labeling and containers which are not false or
25 misleading and which are approved by the commissioner are
26 permitted. A food product that contains cultured animal tissue
27 produced from animal cell cultures outside of the organism

1 from which it is derived may not be labeled as meat or a meat
2 food product.

3 "(e) If the commissioner has reason to believe that
4 any marking or labeling or the size or form of any container
5 in use or proposed for use with respect to any article subject
6 to this chapter is false or misleading in any particular, he
7 or she may direct that such use be discontinued or withheld
8 unless the marking, labeling or container is modified in such
9 manner as he or she may prescribe so that it will not be false
10 or misleading. If any person, firm, or corporation using or
11 proposing to use the marking, labeling, or container does not
12 accept the determination of the commissioner, such person,
13 firm, or corporation may request a hearing before the
14 commissioner, but the use of the marking, labeling or
15 container shall, if the commissioner so directs, be
16 discontinued or withheld pending hearing and final
17 determination ~~by him~~. Any such determination by the
18 commissioner shall be conclusive unless, within 30 days after
19 receipt of notice of ~~such~~ the final determination, the person,
20 firm, or corporation adversely affected ~~thereby~~ files a
21 complaint in the circuit court of the county wherein the
22 person, firm, or corporation so using ~~such~~ the questioned
23 marking, labeling, or container resides or has his or her or
24 its principal place of business, and ~~such~~ the court is hereby
25 vested with jurisdiction and it shall be its duty to set the
26 matter for hearing upon 30 days' written notice to the
27 commissioner and, thereupon, to take testimony and examine

1 into the facts of the case and to determine, without the
2 intervention of a jury, whether or not ~~such~~ the questioned
3 marking or labeling or the size or form of any container in
4 use or proposed for use with respect to any article subject to
5 this chapter is false or misleading in any particular, and
6 ~~such~~ the determination shall, in the absence of fraud,
7 corruption, bad faith, or gross abuse of discretion, be
8 final."

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.