

HOUSE BILL No. 1414

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-17; IC 15-18-1-2.

Synopsis: Labeling of food products. Provides that a food product is misbranded for purposes of the animal products law, and may not be sold or offered for sale, if: (1) the product is not derived from harvested livestock or poultry but the labeling of the product states or implies that the product is a meat product or poultry product; or (2) the product consists partially or entirely of tissue cultured in vitro from animal cells and the labeling of the product does not clearly state that the product contains tissue cultured in vitro from animal cells. Authorizes the state board of animal health to adopt rules providing that: (1) food products not derived from harvested livestock or poultry; and (2) food products that contain tissue cultured in vitro from animal cells; shall not be misbranded. Amends the law concerning dairy products to prohibit the sale or offering for sale of a food or drink product if: (1) the product does not consist of and is not derived from the milk of a cow, goat, or other mammal; and (2) the labeling of the product states or implies that the product is a dairy product.

Effective: July 1, 2019.

Goodin

January 14, 2019, read first time and referred to Committee on Agriculture and Rural Development.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1414

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-17-2-22.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 22.5. "Cultured in vitro", in**
4 **reference to a food product, means that the food product contains**
5 **tissue created by causing animal cells to multiply outside the body**
6 **of a living animal.**

7 SECTION 2. IC 15-17-2-64, AS ADDED BY P.L.2-2008,
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2019]: Sec. 64. "Misbranded" means a food product that
10 meets any of the following descriptions:

- 11 (1) The product's labeling is false or misleading in any way.
- 12 (2) The product is offered for sale under the name of another
13 food.
- 14 (3) The product is an imitation of another food, unless the
15 product's label bears, in type of uniform size and prominence, the
16 word "imitation" and immediately afterward, the name of the food
17 imitated.



- 1 (4) The product's container is made, formed, or filled in a manner
2 that is misleading.
- 3 (5) Except as provided in IC 15-17-3-22(b), the product, if in
4 packaged form, does not bear a label containing the following:
- 5 (A) The name and place of business of the manufacturer,
6 packer, or distributor.
- 7 (B) Except as provided in IC 15-17-3-22(c), an accurate
8 statement of the quantity of the product in terms of weight,
9 measure, or numerical count.
- 10 (6) A word, statement, or other information required under this
11 chapter or the rules adopted under this chapter to appear on a
12 product's label or other labeling is not prominently placed on the
13 label with sufficient conspicuousness (as compared with other
14 words, statements, designs, or devices in the labeling) and in
15 terms making it likely to be read and understood by the ordinary
16 individual under customary conditions of purchase and use.
- 17 (7) The product purports to be or is represented as a food for
18 which a definition and standard of identity or composition has
19 been prescribed by the rules of the board unless:
- 20 (A) the product conforms to the definition and standard; and
21 (B) the product's label bears the name of the food specified in
22 the definition and standard and, as required by rules of the
23 board, the common names of optional ingredients other than
24 spices, flavoring, and coloring present in the food.
- 25 (8) The product purports to be or is represented as a food for
26 which a standard or standards of fill of container have been
27 prescribed by rules of the board and the product falls below the
28 applicable standard of fill of container unless the label bears, in
29 a manner and form that the rules specify, a statement that the
30 product falls below that standard.
- 31 (9) The product's label does not bear the following:
- 32 (A) The common or usual name of the food, if any.
33 (B) Except as provided in IC 15-17-3-22(d), if the product is
34 fabricated from at least two (2) ingredients, the common or
35 usual name of each ingredient. However, spices, flavorings,
36 and colorings may, when authorized by the state veterinarian,
37 be designated as spices, flavorings, and colorings without
38 naming each ingredient.
- 39 (10) The product purports to be or is represented for special
40 dietary uses, unless the product's label bears information
41 concerning the product's vitamin, mineral, and other dietary
42 properties that the board determines to be necessary to fully



1 inform purchasers of the product's value for the special dietary
2 uses as set forth in rules adopted by the board.

3 (11) Except as provided in IC 15-17-3-22(e), the product contains
4 artificial flavoring, artificial coloring, or a chemical preservative,
5 unless the product bears labeling stating that fact.

6 (12) The product fails to bear directly on the product and on the
7 product's containers information the board prescribes by rule,
8 including an official mark, to ensure that the product will not have
9 false or misleading labeling and that the public will be reasonably
10 informed about the product.

11 **(13) The food product is not derived from harvested livestock**
12 **or poultry and the labeling of the product states or implies**
13 **that the product is:**

14 (A) a meat product; or

15 (B) a poultry product.

16 **(14) The food product consists partially or entirely of tissue**
17 **cultured in vitro from animal cells and the labeling of the**
18 **product does not clearly state that the product contains tissue**
19 **cultured in vitro from animal cells.**

20 SECTION 3. IC 15-17-5-1, AS ADDED BY P.L.2-2008, SECTION
21 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
22 2019]: Sec. 1. The purpose of this chapter is to do the following:

23 (1) Safeguard the public health and promote public welfare by:

24 (A) preventing the slaughter of dead, dying, disabled, or
25 diseased livestock or poultry for human food purposes; and

26 (B) preventing the manufacture, processing, storage,
27 transportation, and sale of adulterated meat and poultry
28 products for human food purposes.

29 (2) Eliminate the manufacture, processing, distribution, and sale
30 of fraudulent, misbranded, or deceptive ~~products~~ of livestock
31 **products** and poultry ~~origin~~ **products**.

32 (3) Prohibit the use of nonhumane methods in the slaughter of
33 livestock and poultry.

34 (4) Provide for humane slaughter of livestock and poultry and for
35 meat and poultry products inspection programs that will impose
36 and enforce requirements with respect to intrastate operations and
37 commerce that are at least equal to those imposed and enforced
38 under the federal Humane Slaughter Act (7 U.S.C. 1901 et seq.),
39 the federal Meat Inspection Act (21 U.S.C. 601 et seq.), and the
40 federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.)
41 with respect to operations and transactions in interstate
42 commerce.



1 (5) Aid in the control of livestock and poultry diseases by
 2 discovering the origins of diseased livestock and poultry found in
 3 antemortem inspections and obtaining samples of blood and tissue
 4 specimens as considered necessary for the control of livestock and
 5 poultry diseases.

6 **(6) Eliminate the sale of food products that are misbranded as**
 7 **described in IC 15-17-2-64(13) or IC 15-17-2-64(14).**

8 SECTION 4. IC 15-17-5-4, AS ADDED BY P.L.2-2008, SECTION
 9 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 10 2019]: Sec. 4. To accomplish the objectives of this chapter, the board
 11 or an agent of the board may do the following:

12 (1) Require by rules the following:

13 (A) Antemortem inspection and postmortem inspection of
 14 livestock and poultry slaughtered for distribution as human
 15 food.

16 (B) Except for the operations of establishments exempt under
 17 section 11 of this chapter, the quarantine, segregation, and
 18 inspection of livestock and poultry slaughtered, and of
 19 livestock products and poultry products processed or prepared
 20 for distribution at all establishments in Indiana.

21 (2) Require by rules the following:

22 (A) The identification of livestock and poultry for inspection
 23 purposes.

24 (B) The marking and labeling of livestock products, poultry
 25 products, livestock and poultry product containers, or both the
 26 product and containers as:

27 (i) "Indiana Inspected and Passed" if the products are found
 28 upon inspection to be not adulterated;

29 (ii) "Indiana Inspected and Condemned" if the products are
 30 found upon inspection to be adulterated; or

31 (iii) "Not for Sale" if the products are produced under an
 32 exemption from inspection.

33 (C) The destruction for food purposes of all condemned
 34 products under the supervision of an inspector.

35 (3) Prohibit the entry into official establishments of livestock
 36 products and poultry products not prepared under federal
 37 inspection or inspection under this chapter and further limit the
 38 entry of the products and other materials into official
 39 establishments under conditions that the board considers
 40 necessary to effectuate the purposes of this chapter.

41 (4) ~~Require~~ **Provide** by rules that:

42 (A) when livestock products and poultry products leave



- 1 official establishments, the products **must** bear directly on the
 2 products, or on the containers, or both, as the board requires,
 3 all information necessary to prevent a product from being
 4 misbranded; ~~and~~
 5 **(B) that all labeling and containers to be used for the livestock**
 6 **products and poultry** products when sold or transported in
 7 commerce **must** be approved by the board to ensure that the
 8 products comply with this chapter;
 9 **(C) food products that are not derived from harvested**
 10 **livestock or poultry shall not be misbranded as described**
 11 **in IC 15-17-2-64(13); and**
 12 **(D) food products that contain tissue cultured in vitro from**
 13 **animal cells shall not be misbranded as described in**
 14 **IC 15-17-2-64(14).**
- 15 (5) Investigate the sanitary conditions of each establishment and
 16 withdraw or refuse to provide inspection service at an
 17 establishment where the sanitary conditions are such as to make
 18 adulterated any livestock products or poultry products prepared
 19 or handled at the establishment.
- 20 (6) Adopt rules concerning sanitation for all establishments,
 21 including custom slaughterers or processors, engaged in the
 22 slaughtering of livestock or poultry or preparing meat food
 23 products or poultry products capable of use as human food.
- 24 (7) Require by rules that the following persons keep records that
 25 fully and correctly disclose all transactions involving meat food
 26 products and poultry products:
- 27 (A) Persons in the business of slaughtering livestock or poultry
 28 or preparing, freezing, packaging, labeling, buying, selling (as
 29 dealers, wholesalers, or other similar persons), transporting, or
 30 storing any livestock products or poultry products for human
 31 or animal food.
- 32 (B) Persons in business as renderers or in the business of
 33 buying, selling, or transporting dead, dying, disabled, or
 34 diseased livestock or poultry, or parts of the carcasses of
 35 animals, including poultry, that died other than by slaughter.
- 36 The board shall adopt rules that require persons described under
 37 clauses (A) and (B) to give the state veterinarian access to the
 38 places of business, an opportunity at all reasonable times to
 39 examine the facilities, inventory, and records, an opportunity to
 40 copy the records, and an opportunity to take reasonable samples
 41 of the inventory.
- 42 (8) If necessary to permit interstate shipment, enter into reciprocal



1 agreements with states adjoining Indiana and the United States
 2 Department of Agriculture concerning the inspection of livestock,
 3 poultry, and other animals.

4 SECTION 5. IC 15-17-5-6, AS ADDED BY P.L.2-2008, SECTION
 5 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 6 2019]: Sec. 6. (a) A person may not do the following:

7 (1) Slaughter livestock or poultry or prepare any meat products or
 8 poultry products that are capable of use as human food for
 9 commerce, except in compliance with this chapter.

10 (2) Sell, transport, offer for sale or transportation, or receive for
 11 transportation in commerce any meat products or poultry products
 12 that are:

13 (A) capable of use as human food and are adulterated or
 14 misbranded; or

15 (B) required to be inspected under this chapter unless the
 16 products have been inspected and passed.

17 (3) With respect to articles that are capable of use as human food,
 18 perform an act:

19 (A) while the articles are being transported in commerce or
 20 held for sale after transportation in commerce; and

21 (B) that is intended to cause or has the effect of causing the
 22 articles to be adulterated or misbranded.

23 **(4) Sell or offer for sale any food products that are**
 24 **misbranded as described in IC 15-17-2-64(13) or**
 25 **IC 15-17-2-64(14).**

26 (b) A person may not sell, transport, offer for sale or transportation,
 27 or receive for transportation, in commerce, or from an official
 28 establishment, slaughtered poultry from which the blood, feathers, feet,
 29 head, or viscera have not been removed in accordance with rules
 30 adopted by the board except as authorized by rule.

31 SECTION 6. IC 15-18-1-2, AS ADDED BY P.L.2-2008, SECTION
 32 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 33 2019]: Sec. 2. (a) A person may not produce, provide, sell, offer,
 34 display for sale, or have in possession with intent to sell:

35 **(1)** milk; or

36 **(2)** a milk product;

37 that is adulterated or misbranded.

38 (b) ~~Adulterated or misbranded~~ Milk or a milk product **that is**
 39 **adulterated or misbranded** may be impounded by the board and
 40 disposed of in accordance with IC 16-42-1 and IC 16-42-2-6. For
 41 purposes of this section, references in IC 16-42-1 and IC 16-42-2-6 to:

42 (1) "state health commissioner" refer to the state veterinarian; and



- 1 (2) "department" refer to the board.
2 (c) Milk and milk products must conform to the standards in this
3 chapter and in the rules adopted by the board. However, if there is an
4 emergency, general, and acute shortage of milk in a milkshed, the
5 board may authorize the sale of pasteurized milk that does not fully
6 meet the requirements of this chapter.
7 **(d) A person may not sell or offer for sale a food or drink**
8 **product if:**
9 **(1) the product:**
10 **(A) does not consist of; and**
11 **(B) is not derived from;**
12 **the milk of a cow, goat, or other mammal; and**
13 **(2) the labeling of the product states or implies that the**
14 **product is a dairy product.**

