

HOUSE BILL NO. 1400

Introduced by

Representatives Schmidt, D. Johnson, Magrum, Meier, Rohr, Satrom

Senators Cook, Schaible

1 A BILL for an Act to create and enact section 4.1-31-05.1 of the North Dakota Century Code,
2 relating to misrepresenting nonmeat as a meat food product; to amend and reenact section
3 4.1-31-01 of the North Dakota Century Code, relating to the definition of meat and the
4 nomenclature of edible meat products; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 4.1-31-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **4.1-31-01. Definitions.**

9 1. "Adulterated" means a carcass or meat food product:

- 10 a. That includes a poisonous or harmful substance that may render it injurious to
11 health;
- 12 b. That includes a chemical pesticide that is unsafe under the Federal Food, Drug,
13 and Cosmetic Act [21 U.S.C. 301 et seq.];
- 14 c. That includes a food or color additive that is unsafe under the Federal Food,
15 Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
- 16 d. That includes a filthy, putrid, or decomposed substance or is for any other reason
17 unfit for human food;
- 18 e. That has been prepared, packed, or held under unsanitary conditions;
- 19 f. That includes the product of an animal that has died in a manner other than
20 slaughter or includes the product of an animal condemned by reason of disease
21 that existed at the time of slaughter;
- 22 g. The container of which includes a poisonous or harmful substance that may
23 make the contents harmful to health;

- 1 h. That has been intentionally subjected to radiation, unless the use of the radiation
2 conformed with a regulation or exemption in effect under the Federal Food, Drug,
3 and Cosmetic Act [21 U.S.C. 301 et seq.];
- 4 i. That is damaged or inferior and that damage or inferiority has been concealed; or
5 j. That has had a substance added to it or mixed or packed with it so as to increase
6 its bulk or weight, or make it appear better or of greater value than it is.
- 7 2. "Animal" includes cattle, swine, sheep, goats, farmed cervidae, llama, horses,
8 equines, bison, other large domesticated animals, and poultry.
- 9 3. "Carcass" includes all or any part of an animal carcass.
- 10 4. "Container" means a receptacle of a meat food product.
- 11 5. "Custom processing" means slaughtering, eviscerating, dressing, or processing an
12 animal carcass or meat food products for the owner of the animal carcass or the meat
13 food products, if all meat food products derived from the custom processing are
14 returned to that owner.
- 15 6. "Inspector" means an inspector appointed by the commissioner to perform duties
16 under this chapter.
- 17 7. "Intrastate commerce" means commerce within this state.
- 18 8. "Meat" means the edible flesh of an animal born, nurtured, and processed for the
19 purpose of human consumption.
- 20 9. "Meat food product" means a product usable as human food which contains any part
21 of ~~an animal~~ carcass from an animal born, nurtured, and processed for the purpose
22 of human consumption. The term does not include any product that contains any part
23 of an animal carcass in a relatively small proportion or which historically has not been
24 considered by consumers as a product of the meat food industry, and which is not
25 represented as a meat food product.
- 26 ~~9-10.~~ "Poultry" includes domesticated fowl bred for the primary purpose of producing eggs
27 or meat, or both, including chickens, turkeys, ostriches, emus, rheas, cassowaries,
28 waterfowl, and game birds, but excluding doves and pigeons.
- 29 ~~10-11.~~ "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise
30 manufactured or processed.

1 **SECTION 2.** Section 4.1-31-05.1 of the North Dakota Century Code is created and enacted
2 as follows:

3 **4.1-31-05.1. Misrepresentation of nonmeat as meat food product prohibited.**

- 4 1. A person may not advertise, offer for sale, sell, or misrepresent nonmeat as a meat
5 food product. A nonmeat product:
- 6 a. May not be packaged in the same, or deceptively similar, packaging as a meat
7 food product;
- 8 b. Must be labeled as a cultured food product; and
- 9 c. May not contain the word "beef" on the label.
- 10 2. For purposes of this section, "nonmeat" includes laboratory produced, or cultured, cell
11 masses grown from bovinæ tissue intended for human consumption.
- 12 3. For purposes of this section, "deceptively similar" means packaging that could mislead
13 a reasonable person to believe the product is a meat food product.