

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1400
(Representatives Schmidt, D. Johnson, Magrum, Meier, Rohr, Satrom)
(Senators Cook, Schaible)

AN ACT to create and enact section 4.1-31-05.1 and a new section to chapter 19-02.1 of the North Dakota Century Code, relating to misrepresenting nonmeat as a meat food product; to amend and reenact section 4.1-31-01 of the North Dakota Century Code, relating to the definition of meat and the nomenclature of edible meat products; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

4.1-31-01. Definitions.

1. "Adulterated" means a carcass or meat food product:
 - a. That includes a poisonous or harmful substance that may render it injurious to health;
 - b. That includes a chemical pesticide that is unsafe under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
 - c. That includes a food or color additive that is unsafe under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
 - d. That includes a filthy, putrid, or decomposed substance or is for any other reason unfit for human food;
 - e. That has been prepared, packed, or held under unsanitary conditions;
 - f. That includes the product of an animal that has died in a manner other than slaughter or includes the product of an animal condemned by reason of disease that existed at the time of slaughter;
 - g. The container of which includes a poisonous or harmful substance that may make the contents harmful to health;
 - h. That has been intentionally subjected to radiation, unless the use of the radiation conformed with a regulation or exemption in effect under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
 - i. That is damaged or inferior and that damage or inferiority has been concealed; or
 - j. That has had a substance added to it or mixed or packed with it so as to increase its bulk or weight, or make it appear better or of greater value than it is.
2. "Animal" includes cattle, swine, sheep, goats, farmed cervidae, llama, horses, equines, bison, other large domesticated animals, and poultry.
3. "Carcass" includes all or any part of an animal carcass.
4. "Container" means a receptacle of a meat food product.

5. "Custom processing" means slaughtering, eviscerating, dressing, or processing an animal carcass or meat food products for the owner of the animal carcass or the meat food products, if all meat food products derived from the custom processing are returned to that owner.
6. "Inspector" means an inspector appointed by the commissioner to perform duties under this chapter.
7. "Intrastate commerce" means commerce within this state.
8. "Meat" means the edible flesh of an animal born and harvested for the purpose of human consumption.
9. "Meat food product" means a product usable as human food which contains any part of an animal carcass from an animal born and harvested for the purpose of human consumption. The term does not include any product that contains any part of an animal carcass in a relatively small proportion or which historically has not been considered by consumers as a product of the meat food industry, and which is not represented as a meat food product.
- 9-10. "Poultry" includes domesticated fowl bred for the primary purpose of producing eggs or meat, or both, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, but excluding doves and pigeons.
- 10-11. "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

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

4.1-31-05.1. Misrepresentation of cell-cultured protein as meat food product prohibited.

1. A person may not advertise, offer for sale, sell, or misrepresent cell-cultured protein as a meat food product. A cell-cultured protein product:
 - a. May not be packaged in the same, or deceptively similar, packaging as a meat food product; and
 - b. Must be labeled as a cell-cultured protein food product.
2. For purposes of this section, "deceptively similar" means packaging that could mislead a reasonable person to believe the product is a meat food product.

SECTION 3. A new section to chapter 19-02.1 of the North Dakota Century Code is created and enacted as follows:

Misrepresentation of cell-cultured protein as meat food product prohibited.

1. A person may not advertise, offer for sale, sell, or misrepresent cell-cultured protein as a meat food product. A cell-cultured food product:
 - a. May not be packaged in the same, or deceptively similar, packaging as a meat food product; and
 - b. Must be labeled as a cell-cultured food product.
2. For purposes of this section, "deceptively similar" means packaging that could mislead a reasonable person to believe the product is a meat food product.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1400.

House Vote: Yeas 87 Nays 1 Absent 6

Senate Vote: Yeas 44 Nays 1 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State