

House Bill 2691

Sponsored by Representative SCHARF; Representative BREESE-IVERSON (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that plant-based foods are misbranded if their labels imply that they are made of meat or eggs. The Act tells an agency to try to exclude certain plant-based foods from federal nutrition programs. The Act tells agencies not to purchase certain plant-based foods. (Flesch Readability Score: 69.8).

Provides that a manufactured-protein food product that bears a label suggesting that the food product is made from meat is misbranded unless the food product contains text disclosing that the food product is not made from meat.

Provides that a fabricated-egg food product that bears a label suggesting that the food product is made from eggs is misbranded unless the food product contains text disclosing that the food product is not made from eggs.

Instructs the Department of Human Services to request a waiver that excludes manufactured-protein food products and fabricated-egg food products from eligibility under federal nutrition programs.

Instructs the State Board of Education and the Higher Education Coordinating Commission to separately adopt rules to prohibit the purchasing of manufactured-protein food products and fabricated-egg food products.

A BILL FOR AN ACT

Relating to plant-based foods; creating new provisions; and amending ORS 616.205 and 616.250.

Be It Enacted by the People of the State of Oregon:

MISBRANDING

SECTION 1. ORS 616.205 is amended to read:

616.205. As used in ORS 616.205 to 616.385, unless the context clearly indicates a different meaning:

(1) "Advertisement" includes all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of the food.

(2) "Color" includes black, white and intermediate grays.

(3)(a) "Color additive" means a material that:

(A) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source; or

(B) When added or applied to a food or to the human body or any part thereof, is capable, alone or through reaction with other substance, of imparting color thereto.

(b) "Color additive" does not include any material that has been exempted under the federal Act.

(c) Notwithstanding paragraph (a) of this subsection, "color additive" does not include any pes-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 ticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in
 2 aiding, retarding or otherwise affecting, directly or indirectly, the growth or other natural physio-
 3 logical process of produce of the soil and thereby affecting its color, whether before or after harvest.

4 (4) "Consumer commodity" means any food as defined by ORS 616.205 to 616.215, 616.225 to
 5 616.256, 616.286, 616.295, 616.310, 616.315, 616.325, 616.330, 616.341, 616.350 to 616.366, 616.790 and
 6 616.992 or by the federal Act.

7 (5) "Contaminated with filth" means the condition of any food not securely protected from dust,
 8 dirt and, as far as may be necessary by all reasonable means, from all foreign or injurious sub-
 9 stances.

10 (6) **"Cultivated-protein food product" means a food product that has one or more sensory**
 11 **attributes that resemble a type of tissue originating from a meat animal but that, in lieu of**
 12 **being derived from processing meat, is derived from a process for manufacturing cells**
 13 **through which one or more stem cells are initially isolated from livestock, are grown in vitro**
 14 **and may be manipulated as part of a manufacturing operation.**

15 [(6)] (7) "Dietary ingredient" means one or more of the following or a concentrate, constituent,
 16 extract or metabolite of one or more of the following:

17 (a) An amino acid;

18 (b) An herb or other botanical;

19 (c) A mineral;

20 (d) A dietary substance intended to supplement the human diet by increasing total dietary in-
 21 take; or

22 (e) A vitamin.

23 [(7)] (8) "Dietary supplement" means an article, not including any tobacco product, that:

24 (a) Is subject to dietary supplement labeling requirements under 21 C.F.R. 101.36;

25 (b) Is intended to supplement conventional food in the diet of humans and contains a dietary
 26 ingredient; and

27 (c)(A) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form; or

28 (B) Is not represented to be a conventional food or to be for use as the sole item of a meal or
 29 diet.

30 [(8)] (9) "Director" means the Director of Agriculture.

31 [(9)] (10) "Federal Act" means the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq.,
 32 52 Stat. 1040 et seq.

33 (11) **"Egg product" has the meaning given that term in ORS 632.705.**

34 (12) **"Eggs" has the meaning given that term in ORS 632.705.**

35 (13) **"Fabricated-egg food product" means a food product that has one or more sensory**
 36 **attributes that resemble an egg product but that, in lieu of being derived from eggs, is de-**
 37 **derived from manufactured plant or other organic material.**

38 [(10)] (14) "Food" means:

39 (a) Articles used for food or drink, including ice, for human consumption or food for dogs and
 40 cats;

41 (b) Chewing gum;

42 (c) Dietary supplements; and

43 (d) Articles used for components of any such article.

44 [(11)] (15) "Food additive" means any substance the intended use of which results or may rea-
 45 sonably be expected to result, directly or indirectly, in its becoming a component or otherwise af-

fecting the characteristics of any food, including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, and including any source of radiation intended for any such use, if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures or experience based on common use in food to be safe under the conditions of its intended use. "Food additive" does not include:

(a) A pesticide chemical in or on a raw agricultural commodity;

(b) A pesticide chemical to the extent that it is intended for use, or is used in the production, storage or transportation of any raw agricultural commodity; or

(c) A color additive.

[(12)] (16) "Food establishment" means:

(a) Any room, building, structure or place, used or intended for use, or operated for storing, preparing, compounding, manufacturing, processing, freezing, packaging, distributing, handling or displaying food.

(b) The ground upon which such place or business is operated or used and so much ground adjacent thereto as is also used in carrying on the business of the establishment. The State Department of Agriculture may prescribe such additional area or places which, although they may not be contiguous or adjacent to the above area or establishment, may be included therein.

(c) Vehicles, machinery, equipment, utensils, tools, fixtures, implements and all other articles or items, used in operating or carrying on the business of a food establishment.

(17) "Food product" means a perishable or nonperishable item stored in a container or package and intended for human consumption.

(18) "Identifying egg term" means a word or phrase used individually or as part of a word that states, indicates or suggests that a food product is an egg product made in whole or in part from eggs.

(19) "Identifying meat term" means a word or phrase used individually or as part of a word that states, indicates or suggests that a food product is a meat product made in whole or in part from meat.

[(13)] (20) "Immediate container" does not include package liners.

(21) "Insect-protein food product" means a food product that has one or more sensory attributes that resemble a type of tissue originating from a meat animal but that, in lieu of being derived from processing meat, is derived from manufacturing insect parts.

[(14)] (22) "Label" means a display of written, printed or graphic matter upon the immediate container of any article. A requirement made under authority of ORS 616.205 to 616.215, 616.225 to 616.256, 616.286, 616.295, 616.310, 616.315, 616.325, 616.330, 616.341, 616.350 to 616.366, 616.790 and 616.992 that any word, statement or other information appears on a label has not been obeyed unless such word, statement or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article or unless such word, statement or information is easily legible through the outside container or wrapper.

[(15)] (23) "Labeling" means all labels and other written, printed or graphic matters upon an article or any of its containers or wrappers, or accompanying such article.

(24) "Manufactured-protein food product" means a cultivated-protein food product, insect-protein food product or plant-protein food product.

(25) "Meat" has the meaning given that term in ORS 619.010.

(26) "Meat animal" has the meaning given that term in ORS 619.010.

1 **(27) “Meat product” has the meaning given that term in ORS 619.010.**

2 [(16)] **(28) “Package” means any container or wrapping in which any consumer commodity is**
 3 enclosed for use in the delivery or display of that consumer commodity to retail purchasers, but does
 4 not include:

5 (a) Shipping containers or wrappings used solely for the transportation of any consumer com-
 6 modity in bulk or in quantity to manufacturers, packers or processors, or to wholesale or retail
 7 distributors thereof; or

8 (b) Shipping containers or outer wrappings used by retailers to ship or deliver any commodity
 9 to retail customers if such containers and wrappings bear no printed matter pertaining to any par-
 10 ticular commodity.

11 [(17)] **(29) “Pesticide chemical” means any substance which, alone, in chemical combination or**
 12 in formulation with one or more other substances is a “pesticide” as defined in ORS 634.006.

13 **(30) “Plant-protein food product” means a food product that has one or more sensory**
 14 **attributes that resemble a type of tissue found in a species of meat animal but that, in lieu**
 15 **of being derived from processing meat, is derived from manufacturing plant parts.**

16 [(18)] **(31) “Principal display panel” means that part of a label that is most likely to be displayed,**
 17 presented, shown or examined under normal and customary conditions of display for retail sale.

18 **(32) “Qualifying egg term” means a word, compound word or phrase that clearly discloses**
 19 **that a food product is not an egg product from eggs or a meat product from a meat animal,**
 20 **such as “cell-cultivated,” “cell-cultured,” “egg-free,” “fake,” “grown in a lab,” “imitation,”**
 21 **“lab-created,” “lab-grown,” “plant,” “plant-based,” “vegan,” “vegetable” or “veggie.”**

22 **(33) “Qualifying meat term” means a word, compound word or phrase that clearly dis-**
 23 **closes that a food product is not a meat product from a meat animal, such as “cell-**
 24 **cultivated,” “cell-cultured,” “fake,” “grown in a lab,” “imitation,” “insect,” “insect-based,”**
 25 **“insect protein,” “lab-created,” “lab-grown,” “meat free,” “meatless,” “plant,”**
 26 **“plant-based,” “vegan,” “vegetable,” “vegetarian” or “veggie.”**

27 [(19)] **(34) “Raw agricultural commodity” means any food in its raw or natural state, including**
 28 all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to
 29 marketing.

30 **SECTION 2.** ORS 616.250 is amended to read:

31 616.250. A food shall be deemed to be misbranded:

32 (1) If its labeling is false or misleading in any particular, or fails to conform to ORS 616.325.

33 (2) If it is offered for sale under the name of another food.

34 (3) If it is an imitation of another food, unless its label bears in type of uniform size and prom-
 35 inence the word “imitation” and, immediately thereafter, the name of the food imitated.

36 (4) If its container is so made, formed or filled as to be misleading.

37 (5) If in package form:

38 (a) Unless it bears a label containing:

39 (A) The name and place of business of the manufacturer, packer or distributor; and

40 (B) An accurate statement of the net quantity of the contents in terms of weight, measure, vol-
 41 ume or numerical count. The statement shall be separately and accurately stated upon the principal
 42 display panel of the label.

43 (b) The same reasonable variations allowed in ORS chapter 618 shall be permitted.

44 (c) Exemptions as to small packages shall be established by rules promulgated by the State De-
 45 partment of Agriculture.

1 (6) If any word, statement or other information required by or under authority of ORS 616.205
 2 to 616.295 to appear on the label or labeling is not prominently placed thereon with such
 3 conspicuousness, as compared with other words, statements, designs or devices, in the labeling, and
 4 in such terms as to render it likely to be read and understood by the ordinary individual under
 5 customary conditions of purchase and use.

6 (7) If it purports to be or is represented as a food for which a definition and standard of identity
 7 has been prescribed by rule as provided by ORS 616.230, unless it conforms to such definition and
 8 standard and its label bears the name of the food specified in the definition and standard, and, in
 9 so far as may be required by such rule, the common names of optional ingredients, other than spices,
 10 flavoring and coloring present in such food.

11 (8) If it purports to be or is represented as a food for which a standard of quality has been
 12 prescribed by rule as provided by ORS 616.230 and its quality falls below the standards such rule
 13 specifies, a statement that it falls below such standard.

14 (9) If it is a food for which a standard or standards of fill of container have been prescribed by
 15 rule as provided by ORS 616.230, and it falls below the standard of fill of container applicable
 16 thereto, unless its label bears, in such manner and form as such rule specifies, a statement that it
 17 falls below such standard.

18 (10) If it is not subject to the provisions of subsection (7) of this section, unless its label bears:

19 (a) The common or usual name of the food, if any there be; and

20 (b) In case it is fabricated from two or more ingredients, the common or usual name of each such
 21 ingredient.

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 23 However, spices, flavorings and colorings, other than those sold as such, may be designated as
 24 spices, flavorings and colorings, without naming them. To the extent that compliance with the re-
 25 quirements of paragraph (b) of this subsection is impractical or results in deception or unfair com-
 26 petition, exemptions shall be established by rule promulgated by the department.

27 (11) If it purports to be or is represented for special dietary uses, unless its label bears such
 28 information concerning its vitamin, mineral and other dietary properties as the department deter-
 29 mines to be, and by rule prescribed as, necessary in order to fully inform purchasers as to its value
 30 for such uses.

31 (12) If it bears or contains any artificial flavoring, artificial coloring or chemical preservative,
 32 unless it bears labeling stating that fact. To the extent that compliance with the requirements of this
 33 subsection is impracticable, exemptions shall be established by rule promulgated by the department.
 34 This subsection and subsections (7) and (10) of this section with respect to artificial coloring do not
 35 prohibit the use of harmless coloring matter in butter, cheese or ice cream. The provisions of this
 36 subsection with respect to chemical preservatives do not apply to a pesticide chemical when used
 37 in or on a raw agricultural commodity which is the product of the soil.

38 (13) If it is a raw agricultural commodity which is the product of the soil, bearing or containing
 39 a pesticide chemical applied after harvest, unless the shipping container of such commodity bears
 40 labeling which declares the presence of such chemical in or on such commodity and the common or
 41 usual name and the function of such chemical. However, no such declaration is required while such
 42 commodity, having been removed from the shipping container, is being held or displayed for sale at
 43 retail out of such container in accordance with the custom of the trade.

44 (14) If following the labeled directions or instructions on the product in using it as a food in-
 45 gredient will result in the final food being adulterated or misbranded.

1 (15) If it is a color additive, unless its packaging and labeling are in conformity with the pack-
2 aging and labeling requirements applicable to such color additive prescribed under the provisions
3 of the federal Act.

4 (16) If it has been salvaged, unless it bears labeling or notification stating that fact. For the
5 purposes of this subsection, “salvaged” means the reconditioning, repacking, relabeling, cleaning or
6 culling of foods that have been damaged or adulterated as a result of fire, storm, flood, water, smoke,
7 chemicals, radiation or commercial transit accident.

8 **(17) If it is a fabricated-egg food product that bears labeling that:**

9 **(a) Contains an identifying egg term; and**

10 **(b) Does not contain a conspicuous and prominent qualifying egg term in close proximity**
11 **to the identifying egg term.**

12 **(18) If it is a manufactured-protein food product that bears labeling that:**

13 **(a) Contains an identifying meat term; and**

14 **(b) Does not contain a conspicuous and prominent qualifying meat term in close prox-**
15 **imity to the identifying meat term.**

16 **SECTION 3. The amendments to ORS 616.205 and 616.250 by sections 1 and 2 of this 2025**
17 **Act apply to food products that are sold or offered for sale on or after the effective date of**
18 **this 2025 Act.**

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20 **INELIGIBILITY UNDER FEDERAL NUTRITION PROGRAMS**

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22 **SECTION 4. Section 5 of this 2025 Act is added to and made a part of ORS chapter 411.**

23 **SECTION 5. (1) As used in this section:**

24 **(a) “Fabricated-egg food product” has the meaning given that term in ORS 616.205.**

25 **(b) “Federal nutrition program” means:**

26 **(A) The special supplemental nutrition program for women, infants and children de-**
27 **scribed in 42 U.S.C. 1786; or**

28 **(B) The Supplemental Nutrition Assistance Program, as defined in ORS 411.806.**

29 **(c) “Manufactured-protein food product” has the meaning given that term in ORS 616.205.**

30 **(2) If the United States Department of Agriculture approves manufactured-protein food**
31 **products or fabricated-egg food products for purchase under a federal nutrition program, the**
32 **Department of Human Services shall submit a request to the United States Department of**
33 **Agriculture for a waiver or other exception that excludes manufactured-protein food pro-**
34 **ducts and fabricated-egg food products from eligibility in this state under a federal nutrition**
35 **program.**

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37 **PURCHASING FOR PUBLIC SCHOOLS**

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39 **SECTION 6. Notwithstanding any contrary provision of law, the State Board of Education**
40 **shall adopt rules that prohibit the purchasing of fabricated-egg food products, as defined in**
41 **ORS 616.205, or manufactured-protein food products, as defined in ORS 616.205, for con-**
42 **sumption at facilities under the jurisdiction of the board, including public kindergartens and**
43 **public elementary and secondary schools.**

44 **SECTION 7. The State Board of Education shall adopt rules described in section 6 of this**
45 **2025 Act as soon as practicable after the effective date of this 2025 Act.**

PURCHASING FOR POST-SECONDARY INSTITUTIONS

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SECTION 8. Notwithstanding any contrary provision of law, the Higher Education Coordinating Commission shall adopt rules that prohibit the purchasing of fabricated-egg food products, as defined in ORS 616.205, or manufactured-protein food products, as defined in ORS 616.205, for consumption at facilities under the jurisdiction of the commission, including community colleges, as defined in ORS 341.005, and public universities listed in ORS 352.002.

SECTION 9. The Higher Education Coordinating Commission shall adopt rules described in section 8 of this 2025 Act as soon as practicable after the effective date of this 2025 Act.

CAPTIONS

SECTION 10. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.
