

Senate Bill 1577

Sponsored by Senator NASH, Representatives OWENS, SKARLATOS; Senators DRAZAN, PROZANSKI, SMITH DB, WEBER, Representatives HELFRICH, JAVADI, LEVY B, PHAM H, RIEKE SMITH, SMITH G, WRIGHT, YUNKER (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 foods made with plant-based, insect-based or lab-grown proteins are misbranded if their labels imply that they are made of meat or eggs. (Flesch Readability Score: 66.5).

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 label 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 label contains text disclosing that the food product is not made from eggs.

A BILL FOR AN ACT

Relating to the labeling of alternative protein food products; creating new provisions; and amending ORS 616.205 and 616.250.

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

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 pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding or otherwise affecting, directly or indirectly, the growth or other natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest.

(4) "Consumer commodity" means any food as defined by 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 or by the federal Act.

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.

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

(6) "Cultivated-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 a process for manufacturing cells through which one or more stem cells are initially isolated from livestock, are grown in vitro and may be manipulated as part of a manufacturing operation.

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

(a) An amino acid;

(b) An herb or other botanical;

(c) A mineral;

(d) A dietary substance intended to supplement the human diet by increasing total dietary intake; or

(e) A vitamin.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Chewing gum;

(c) Dietary supplements; and

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

[(11)] (15) "Food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting 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 a meat animal.

[(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 processing 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.

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

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

(a) Shipping containers or wrappings used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers or processors, or to wholesale or retail

distributors thereof; or

(b) Shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity.

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

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

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

(32) "Qualifying egg term" means a word, compound word or phrase that clearly discloses that a food product is not an egg product from eggs, such as "cell-cultivated," "cell-cultured," "egg-free," "fake," "grown in a lab," "imitation," "insect-based," "lab-created," "lab-grown," "plant," "plant-based," "vegan," "vegetable," "vegetarian" or "veggie."

(33) "Qualifying meat term" means a word, compound word or phrase that clearly discloses that a food product is not a meat product from a meat animal, such as "cell-cultivated," "cell-cultured," "egg-free," "fake," "grown in a lab," "imitation," "insect-based," "lab-created," "lab-grown," "plant," "plant-based," "vegan," "vegetable," "vegetarian" or "veggie."

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

SECTION 2. ORS 616.250 is amended to read:

616.250. A food shall be deemed to be misbranded:

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

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

(3) If it is an imitation of another food, unless its label bears in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated.

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

(5) If in package form:

(a) Unless it bears a label containing:

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

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

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

(c) Exemptions as to small packages shall be established by rules promulgated by the State Department of Agriculture.

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (16) If it has been salvaged, unless it bears labeling or notification stating that fact. For the
45 purposes of this subsection, "salvaged" means the reconditioning, repacking, relabeling, cleaning or

culling of foods that have been damaged or adulterated as a result of fire, storm, flood, water, smoke, chemicals, radiation or commercial transit accident.

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

(a) Contains an identifying egg term; and

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

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

(a) Contains an identifying meat term; and

(b) Does not contain a conspicuous and prominent qualifying meat term in close proximity to the identifying meat term.

SECTION 3. The amendments to ORS 616.205 and 616.250 by sections 1 and 2 of this 2026 Act apply to food products that are sold or offered for sale on or after the effective date of this 2026 Act.