



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2244: misbranding; misrepresenting; food products

Sponsor: Representative Nguyen, LD 1

Committee on Land, Agriculture & Rural Affairs

Overview

Prohibits a person from intentionally misbranding a product that is not derived from livestock or poultry as meat or poultry and allows the Arizona Department of Health Services (DHS) to adopt applicable rules.

History

Statute provides several cases in which a food can be misbranded, including if: 1) its labeling is false or misleading; 2) it is offered for sale under the name of another food with or without other descriptive words, or under any name which is likely to be misleading; or 3) any required word, statement or other information does not prominently appear on the label compared to other words or statements ([A.R.S. § 36-906](#)).

The process of cultivating animal cells for human food involves using cells obtained from living livestock, poultry, seafood or other animals and growing them in a controlled environment to create food.

Currently, this process is regulated jointly by the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA). In 2019, the FDA and the Food Safety and Inspection Service (FSIS) of the USDA established a [formal agreement](#) on how to regulate human food made from cultured animal cells. Under the agreement, the FDA oversees the collection, growth and the differentiation of living cells into various cell types, such as proteins and fats. Regulatory jurisdiction is then transferred to FSIS, which oversees the harvesting stage of the cell-culturing process and any further processing, labeling and packaging of the products ([USDA](#)).

Provisions

1. Prohibits a person who labels a food product from intentionally misbranding or misrepresenting a product that is not derived from livestock or poultry as meat, a meat food product, poultry or a poultry product through any activity by:
 - a) affixing a false or misleading label on meat, a meat food product, poultry or a poultry product;
 - b) using a term that is the same as or deceptively similar to a term that is used or defined historically in reference to a specific meat food or poultry product;
 - c) representing a cell-cultured food product as meat, a meat food product, poultry or a poultry product; or
 - d) representing a synthetic product derived from a plant, insect or other source as meat, a meat food product, poultry or a poultry product. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

2. Allows DHS to:
 - a) adopt rules to enforce prohibitions misrepresenting products not derived from livestock or poultry;
 - b) receive complaints and investigate relevant violations;
 - c) employ personnel to investigate and enforce adopted rules or delegate investigation and enforcement authority to county health departments or the Weights and Measures Services Division of the Arizona Department of Agriculture;
 - d) seek and obtain injunctive relief or other civil relief to restrain and prevent violations of misrepresenting food products and relevant rules adopted; and
 - e) impose a civil penalty of no more than \$100,000 for each violation. (Sec. 1)
3. States that each day a violation occurs is a separate offense. (Sec. 1)
4. Defines *cell-cultured food product*, *deceptively similar*, *department*, *meat*, *meat food product*, *misrepresent*, *poultry* and *poultry product*. (Sec. 1)