

1 AN ACT relating to cultured meat products.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 217.035 is amended to read as follows:

4 A food shall be deemed to be misbranded:

- 5 (1) If its labeling is false or misleading in any particular or its labeling or packaging
6 fails to conform with the requirements of KRS 217.037;
- 7 (2) If it is offered for sale under the name of another food;
- 8 (3) If it is an imitation of another food for which a definition and standard of identity
9 has been prescribed by regulations as provided by KRS 217.135; or if it is an
10 imitation of another food that is not subject to subsection (7) of this section, unless
11 its label bears in type of uniform size and prominence, the word, imitation, and,
12 immediately thereafter, the name of the food imitated;
- 13 (4) If its container is so made, formed, or filled as to be misleading;
- 14 (5) If in package form, unless it bears a label containing:
- 15 (a) The name and place of business of the manufacturer, packer, or distributor;
16 **and**
- 17 (b) An accurate statement of the net quantity of the contents in terms of weight,
18 measure, or numerical count, which statement shall be separately and
19 accurately stated in a uniform location upon the principal display panel of the
20 label; provided that reasonable variations shall be permitted, and exemptions
21 as to small packages shall be established, by regulations prescribed by the
22 secretary;
- 23 (6) If any word, statement, or other information required by or under authority of KRS
24 217.005 to 217.215 to appear on the label or labeling is not prominently placed
25 thereon with such conspicuousness (as compared with other words, statements,
26 designs, or devices, in the labeling) and in such terms as to render it likely to be
27 read and understood by the ordinary individual under customary conditions of

- 1 purchase and use;
- 2 (7) If it purports to be or is represented as a food for which a definition and standard of
3 identity has been prescribed by regulations as provided by KRS 217.135 unless:
- 4 (a) It conforms to such definition and standard; and
- 5 (b) Its label bears the name of the food specified in the definition and standard,
6 and insofar as may be required by such regulations, the common names of
7 optional ingredients (other than spices, flavoring, and coloring) present in
8 such food;
- 9 (8) If it purports to be or is represented as:
- 10 (a) A food for which a standard of quality has been prescribed by regulations as
11 provided by KRS 217.135 and its quality falls below such standard unless its
12 label bears, in such manner and form as such regulations specify, a statement
13 that it falls below such standard; or
- 14 (b) A food for which a standard or standards of fill of container have been
15 prescribed by regulation as provided by KRS 217.135 and it falls below the
16 standard of fill of container applicable thereto, unless its label bears, in such
17 manner and form as such regulations specify, a statement that it falls below
18 such standard;
- 19 (9) If it is not subject to the provisions of subsection (7) of this section, unless it bears
20 labeling clearly giving:
- 21 (a) The common or usual name of the food, if any there be; and
- 22 (b) In case it is fabricated from two (2) or more ingredients, the common or usual
23 name of each such ingredient, except that spices, flavorings, and colorings,
24 other than those sold as such, may be designated as spices, flavorings, and
25 colorings, without naming each; provided that, to the extent that compliance
26 with this subsection is impractical or results in deception or unfair
27 competition, exemptions shall be established by regulations promulgated by

1 the secretary;

2 (10) If it purports to be or is represented for special dietary uses, unless its label bears
3 such information concerning its vitamin, mineral, and other dietary properties as the
4 secretary determines to be, and by regulations prescribes as, necessary in order to
5 fully inform purchasers as to its value for such uses;

6 (11) If it bears or contains any artificial flavoring, artificial coloring, or chemical
7 preservative, unless it bears labeling stating that fact; provided that to the extent that
8 compliance with the requirements of this subsection is impracticable, exemptions
9 shall be established by regulations promulgated by the secretary;

10 (12) If it is a product intended as an ingredient of another food and when used according
11 to the directions of the purveyor will result in the final food product being
12 adulterated or misbranded;

13 (13) If it is a raw agricultural commodity which is the produce of the soil, bearing or
14 containing a pesticide chemical applied after harvest, unless the shipping container
15 of such commodity bears labeling which declares the presence of such chemical in
16 or on such commodity and the common or usual name and the function of such
17 chemical; provided, however, that no such declaration shall be required while such
18 commodity, having been removed from the shipping container, is being held or
19 displayed for sale at retail out of such container in accordance with the custom of
20 the trade; or

21 (14) If it is a color additive unless its packaging and labeling are in conformity with such
22 packaging and labeling requirements applicable to such color additive prescribed
23 under the provisions of the federal act; ~~or~~

24 ~~(15) If it purports to be or is represented as meat or a meat product and it contains any~~
25 ~~cultured animal tissue produced from in vitro animal cell cultures outside of the~~
26 ~~organism from which it is derived].~~

27 ➔Section 2. KRS 217.175 is amended to read as follows:

1 The following acts and the causing thereof within the Commonwealth of Kentucky are
2 hereby prohibited:

3 (1) The manufacture, sale, or delivery, holding or offering for sale of any food, drug,
4 device, or cosmetic that is adulterated or misbranded;

5 (2) The adulteration or misbranding of any food, drug, device, or cosmetic;

6 (3) The receipt in commerce of any food, drug, device, or cosmetic that is adulterated
7 or misbranded, and the delivery or proffered delivery thereof for pay or otherwise;

8 (4) The sale, delivery for sale, holding for sale, or offering for sale of any article in
9 violation of KRS 217.075;

10 (5) The dissemination of any false advertisement;

11 (6) The refusal to permit entry or inspection, or to permit the taking of a sample or to
12 permit access to records or evidence, as authorized by KRS 217.155;

13 (7) The giving of a guaranty or undertaking which guaranty or undertaking is false,
14 except by a person who relied on a guaranty or undertaking to the same effect
15 signed by, and containing the name and address of the person residing in the
16 Commonwealth of Kentucky from whom he received in good faith the food, drug,
17 device, or cosmetic;

18 (8) The removal or disposal of a detained or quarantined article in violation of KRS
19 217.115;

20 (9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any
21 part of the labeling of, or the doing of any other act with respect to a food, drug,
22 device, or cosmetic, if such act is done while such article is held for sale and results
23 in such article being adulterated or misbranded;

24 (10) Forging, counterfeiting, simulating, or falsely representing, or without proper
25 authority using any mark, stamp, tag, label, or other identification device authorized
26 or required by regulations promulgated under the provisions of KRS 217.005 to
27 217.215;

- 1 (11) The using, on the labeling of any drug or in any advertisement relating to such drug,
2 of any representation or suggestion that any application with respect to such drug is
3 effective under KRS 217.075, or that such drug complies with the provisions of
4 such section;
- 5 (12) The manufacture, sale, or exchange of any filled milk;
- 6 (13) The manufacture, mixing, compounding, selling, or offering for sale of any flour
7 unless the same is enriched; provided that this prohibition shall not apply to flour
8 sold to bakeries or other commercial secondary processors, which flour is used only
9 in the production of enriched flour or enriched bread or in the manufacture of
10 products not required to be enriched;
- 11 (14) The manufacture, baking, sale, or offering for sale of any bread except bread
12 conforming to the definition of enriched bread; and
- 13 (15) The manufacture, sale, or exchange of any meat or meat product that contains
14 cultured animal tissue produced from in vitro animal cell cultures outside of the
15 organism from which it is derived.