

**2019 HOUSE AGRICULTURE COMMITTEE**

**HB 1400**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Peace Garden Room, State Capitol

HB 1400  
1/24/2019  
Job #31411

- Subcommittee  
 Conference Committee

Committee Clerk Signature ReMae Kuehn
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## Explanation or reason for introduction of bill/resolution:

Relating to misrepresenting nonmeat as a meat food product; the definition of meat and the nomenclature of edible meat products; and to provide a penalty

## Minutes:

Attachments #1-7
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**Representative Jim Schmidt, Co-Sponsor:** Introduced video.

(2:00)

Video is shown. Source and date of video (Attachment #1)

<https://www.wsj.com/articles/tasting-the-worlds-first-test-tube-steak-11544524201>

(11:45)

**Representative Jim Schmidt:** The bill does not criticize the product. It is to talk about how it should be labeled. We first talked about nonmeat. But as the video said, they take it from the tissue of bovines. So now we refer to it as cell-cultured protein.

Refers to amendments. (Attachment #2)

On the second page you will see the amendment on line 18. We've tried to define what meat is.

Page 2, line 21 has the same type of changes. "Carcass from an animal born and harvested for the purpose of human consumption."

Page 3 deals with "misrepresentation of cell-cultured protein as meat food product prohibited."

Line 4, taking out "nonmeat" and calling it "cell cultured."

Pound for pound the quality of North Dakota beef can compete with anybody. We will let the market determine who is successful; but label it what it should be. This isn't in reference to a veggie burger. We should stick to the product in the video.

**Representative McWilliams:** Page 2 “for the purpose of human consumption.” Would this also pertain to pet food products?

**Representative Schmidt:** In case they decide to use it for something else. We just wanted to limit what is put on the plate so when you walk into the grocery store you know the difference.

**Representative McWilliams:** If we remove “human consumption”, would it make it more broad into truth and labeling for pet food products and human products?

**Representative Schmidt:** We want this to be very specific. That is up to the committee on how you want it.

**Representative Skroch:** We can compete with this product. We can’t compete with the global warming community. They can manipulate the consumer into believing they are doing justice to the planet by eating this lab grown product.

**Representative Schmidt:** The quality of the beef that we grow can compete with that.

**Representative Skroch:** I am concerned about the impact. This will even impact the value of our cull cows.

**Representative Schmidt:** It is up to the committee to work with the concerns.

**Representative Satrom:** My concern is if we have a company that labels it the same as cuts of beef. Do we have protection from them using words the same as the beef industry such as “sirloin” or “brisket”, etc.?

**Representative Schmidt:** Refer to speakers to follow.

**Representative Kiefert:** Do you have estimates as to the cost?

**Representative Schmidt:** I only have what was quoted in the video where it was \$50 for that small size of meat.

(21:48)

**Larry Kinev, Independent Beef Association of North Dakota:** (Attachment 3)

The video is anti-animal agriculture. If we take cattle off the range, it will upset the ecological system. Our checkoff pays for research.

**Chairman Dennis Johnson:** Are you alright with the amendments.

**Larry Kinev:** Yes. I think they strengthen the bill.

**Representative Richter:** Is there information of what other nutrients are in this product other than protein?

**Larry Kinev:** We don't know enough about the product. These people think they are going to save the world. The medium they use to grow the cell culture is blood serum. That is blood serum made from the fetus of a dead calf. There are animals dying for this product.

**Representative Satrom:** Are you concerned with them calling it the same as cuts of beef?

**Larry Kinev:** I am not as concerned if we can get this bill passed.

There is another short video where they are talking to a Jewish Rabbi. He said the Jewish people can now eat bacon and pork chops because this would not be meat.

**Representative Satrom:** Do you or your industry have legal advice?

**Larry Kinev:** There are speakers after that may help.

**Representative Tveit:** The ecological effect of raising cattle is so important to us.

**Vice Chair Trottier:** Young people are influenced by new trends. The agriculture industry needs to educate for that.

(32:55)

**Julie Ellingson, North Dakota Stockmen's Association:** (Attachment 4)

(37:50)

**Representative Satrom:** Is this going to be advertised with similar names as cuts of beef?

Do you have any legal experts we can have access to?

**Julie Ellingson:** Commonly used words referencing our product should only be for beef or protein from an actual animal that is born and harvested. We have experts with the North Dakota Department of Health that may speak to the misbranding language. There is some protection at the federal level. There is discussion about FDA and USDA sharing some of the responsibilities. USDA has a pre-label approval process. Before a product enters the marketplace, it has to get a stamp to make sure it meets criteria.

**Dwight Keller, Independent Beef Association of North Dakota:** We started working on this issue last winter.

On the last page line 9, did you put nomenclatures in there? This is where the wording needs to be correct. Not only the word "beef" but "nomenclatures" would solve some of that.

**Chairman Dennis Johnson:** The last line on page 3 would solve that.

**Dwight Keller:** This bill needs to develop truth in labeling.

**Representative Headland:** What the bill lacks is a definition of "cell-cultured protein." If we can define that, there won't be room to be misinterpreted. I think Section 3 covers most of the concern and questions from the audience.

**Kenny Graner, President of the U.S. Cattlemen's Association:** (Attachment #5)  
Agrees with the amendments.

(53:00)

**Representative Skroch:** You wanted the word "beef" excluded from the labeling. When the amendments are applied, page 3 section 2, line 8, that statement is removed?

**Chairman Dennis Johnson:** That would be addressed in Section 3.

**Kenny Graner:** I visited with Doug Goehring, North Dakota Agriculture Commissioner and I had no problem with the amendments to move forward with this bill. We need to cover meat because of the other meats.

**Representative Satrom:** Are we dealing with the nomenclature issue?

**Kenny Graner:** Yes, we need to address that.

**Shawn Quissell, North Dakota Department of Agriculture:** We support the bill with amendments.

The question about pet food--in Section 4.1-83 which our state meat inspection code, we want to keep it to human consumption. That is the only portion we can control in our state because that is the state meat inspection program. We do adopt the federal rules.

The definition in the amendment--the reason we struck "beef" is we want to keep this for all meat. You can't call something a sirloin if it didn't come from the sirloin region of the animal. We want to keep it easy.

**Representative Headland:** Do we need a definition of what cell-cultured protein is?

**Shawn Quissell:** The reason for not including a definition is because FDA and USDA haven't defined what it is.

**Representative Richter:** Who is going to inspect this?

**Shawn Quissell:** That is still in debate. Both FDA and USDA have been vying as to who gets it. A couple of months ago they decided to work together. Many cattle producers and the Department of Agriculture think it should be under USDA. There is more restrictive regulation with USDA than there is with FDA.

**Representative Dobervich:** There is a Missouri law similar to this law and it is getting tied up in court now due to constitutional challenges. Will the Attorney General have to defend this bill if it passes?

**Shawn Quissell:** From what we saw in that case, they are getting challenged on the plant-based proteins. That is why we left that out of the amendments and stay with cell-cultured.

**Julie Wagendorf, Director of Food and Lodging, North Dakota Department of Health:** If a grocery store were to name a product with a similar name, the labeling laws already provide restrictions. It is supposed to be honestly presented to the customer. That is in Century Code 19-02.1-10.

The Department of Health is in support of the amendment in Section 3.

The Food, Drug and Cosmetic Act requires, under state and federal law, a standard of identity must be provided in order to consider it food for human consumption. If something doesn't have a standard of identity, the health department has the authority to promulgate rules before it would be considered food.

**Representative Richter:** In the amended section 3, if they took the hamburger they create in a culture and they ground it, they can't package it in similar packaging. They would have to use different packaging?

**Julie Wagendorf:** Correct. Packaging it to mislead the consumer into thinking it is something else is protected under the misbranding law.

**Chairman Dennis Johnson:** What about when they say they serve only "black angus beef"? Has that ever been challenged?

**Julie Wagendorf:** That is a good example that could be challenged. I am not aware of it ever being challenged.

**Mary Graner, Rancher, Mandan:** On the national level they are talking about labeling products as they want because it is freedom of speech. We have to maintain what we are raising. It doesn't give them the freedom to misrepresent what is in that package.

Some of the meat packers are heavily invested in alternative proteins. That is a bad sign for meat producers.

**Representative Schreiber-Beck:** Beef producers cannot be a corporation but meat packers can be a corporation and produce a protein product.

**Mary Graner:** We are the under dogs. The average age of a cattleman today is 70 something. This is just one more thing that is setting back the younger ones.

**Mary Jensen, North Dakota Farmers Union:** (Attachment #6)  
Support the amendments also.

**Pete Hanebutt, North Dakota Farm Bureau:** In support.

**Gary Knutson, North Dakota Agriculture Association:** In support.

**Larry Kinev:** comments inaudible.

**Opposition:**

**Good Food Institute:** submitted by email (Attachment #7)

**Chairman Dennis Johnson:** Closed the hearing

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Peace Garden Room, State Capitol

HB 1400—Committee Work  
2/1/2019  
Job #32018

- Subcommittee  
 Conference Committee

Committee Clerk Signature ReMae Kuehn

## Explanation or reason for introduction of bill/resolution:

Relating to misrepresenting nonmeat as a meat food product; the definition of meat and the nomenclature of edible meat products; and to provide a penalty

## Minutes:

**Representative Satrom:** Moved to adopt the amendment proposed by Representative Schmidt.

**Representative Headland:** Seconded the motion.

**Voice Vote taken.** Motion carried.

**Representative Satrom:** Moved Do Pass as amended.

**Representative Skroch:** Seconded the motion.

**A Roll Call vote was taken: Yes 13, No 0, Absent 1.**

**Do Pass as amended** carries.

**Representative Satrom** will carry the bill.

DA 2/1/19

February 1, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1400

Page 1, line 1, after "4.1-31-05.1" insert "and a new section to chapter 19-02.1"

Page 2, line 18, remove ", nurtured."

Page 2, line 18, replace "processed" with "harvested"

Page 2, line 21, remove ", nurtured."

Page 2, line 21, replace "processed" with "harvested"

Page 3, line 3, replace "**nonmeat**" with "**cell cultured protein**"

Page 3, line 4, replace "nonmeat" with "cell cultured protein"

Page 3, line 5, replace "nonmeat" with "cell cultured protein"

Page 3, line 7, after the underscored semicolon insert "and"

Page 3, line 8, after "a" insert "cell"

Page 3, line 8, after "cultured" insert "protein"

Page 3, line 8, remove "; and"

Page 3, remove lines 9 and 10

Page 3, line 11, remove "masses grown from bovine tissue intended for human consumption"

Page 3, line 12, replace "3." with "2."

Page 3, after line 13, insert:

"**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."

Re-number accordingly

Date: 2/1/2019

Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1400**

House **Agriculture** Committee

Subcommittee

Amendment LC# or Description: 19.0356.05001 (Proposed by Rep. Schmidt)

**Recommendation**

- Adopt Amendment
- Do Pass     Do Not Pass     Without Committee Recommendation
- As Amended     Rerefer to Appropriations
- Place on Consent Calendar

**Other Actions:**     Reconsider     \_\_\_\_\_

Motion Made By Rep. Satrom    Seconded By Rep. Headland

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson			Rep. Ruth Buffalo		
Vice Chairman Wayne Trottier			Rep. Gretchen Dobervich		
Rep. Jake Blum					
Rep. Jay Fisher					
Rep. Craig Headland					
Rep. Dwight Kiefert					
Rep. Aaron McWilliams					
Rep. David Richter					
Rep. Bernie Satrom					
Rep. Cynthia Schreiber Beck					
Rep. Kathy Skroch					
Rep. Bill Tveit					

*Voice Vote  
passed*

**Total**    **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**Absent** \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1400**

House **Agriculture** Committee

Subcommittee

Amendment LC# or Description: 19.0356.05001

**Recommendation**

- Adopt Amendment
- Do Pass     Do Not Pass     Without Committee Recommendation
- As Amended     Rerefer to Appropriations
- Place on Consent Calendar

**Other Actions:**     Reconsider     \_\_\_\_\_

Motion Made By Rep. Satrom    Seconded By Rep. Skroch

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Ruth Buffalo	AB	
Vice Chairman Wayne Trottier	X		Rep. Gretchen Dobervich	X	
Rep. Jake Blum	X				
Rep. Jay Fisher	X				
Rep. Craig Headland	X				
Rep. Dwight Kiefert	X				
Rep. Aaron McWilliams	X				
Rep. David Richter	X				
Rep. Bernie Satrom	X				
Rep. Cynthia Schreiber Beck	X				
Rep. Kathy Skroch	X				
Rep. Bill Tveit	X				

**Total**    **Yes**    13                      **No**    0

**Absent**    1

Floor Assignment    Rep. Satrom

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1400: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1400 was placed on the Sixth order on the calendar.

Page 1, line 1, after "4.1-31-05.1" insert "and a new section to chapter 19-02.1"

Page 2, line 18, remove ", nurtured,"

Page 2, line 18, replace "processed" with "harvested"

Page 2, line 21, remove ", nurtured,"

Page 2, line 21, replace "processed" with "harvested"

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  - 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."

Renumber accordingly

**2019 SENATE AGRICULTURE**

**HB 1400**

# 2019 SENATE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Roosevelt Park Room, State Capitol

HB 1400  
3/1/2019  
JOB # 33061

- Subcommittee  
 Conference Committee

Committee Clerk: Florence Mayer

## Explanation or reason for introduction of bill/resolution:

Relating to misrepresenting nonmeat as a meat food product; relating to the definition of meat and the nomenclature of edible meat products; and to provide a penalty.

## Minutes:

Attachments # 1 - 4

**Chairman Luick:** Opened the hearing on HB 1400. All members were present except Senator Osland. Senator Heckaman sat in for Senator Hogan.

**Representative Jim Schmidt, District 31:** Introduced the bill and covered language and definitions related to the bill. We just want to identify what this product. Only has to do with labeling.

**Chairman Luick:** That was one of my questions about changing anything in here. Times are changing. The Agriculture task force was talking about the big effort around the USA to change horses, cats, and dogs into edible foods. On line 18 page 2, "Born with the intent of human consumption...", today's law wouldn't include those animals. I think we should leave that to the side right now, but something to think about for the future. One day those animals will be on our plates. I'm saying this on a national level

**Representative Schmidt:** We wanted to keep it simple. I'm not opposed to a good fight if we have to.

**Senator Heckaman:** What amount of meat would have to be in a product to mix this with to sell? Do they allow mixing?

**Representative Schmidt:** I had the impression they are taking a small amount of tissue and working with that in a lab. There was discussion of taking animal fat and grinding it in. We didn't see any of that anywhere else.

**Chairman Luick:** When we talked about wine mixtures, it has to be 51% or more. So they throw in a blended situation here, there will be questions no doubt.

**Senator Heckaman:** Could you put something in here about how it couldn't be a blended meat product?

**Chairman Luick:** We should be on top of it before it hits us.

**Representative Schmidt:** We didn't address the blended part because we didn't see that as coming. If you blend it with 60% beef, that is still not meat. Anything blended is still based on alternative lab protein. I would still call it what it is.

**Chairman Luick:** In the organic Agriculture industry, I was in Canada as the spokesman for the USA at a conference. If you have a truck of organic corn and one kernel of corn that has GMOs, my certification is done it would be thrown away. They are super strict. I don't know if we want to go that far or not. But it is viable and we need to think about it.

**Representative Schmidt:** That is a good point. We didn't see enough of that to add it. If you wish to add that, by all means make the bill better. If it helps the livestock industry, then by all means.

**Senator Larsen:** When you were talking about how it could be misleading. Almond milk and regular milk look identical except a little almond seed picture on there. Have you thought about having these products side by side and what it would look like?

**Representative Schmidt:** No, I haven't. We want to make sure it isn't labeled the same or deceptively the same.

**Chairman Luick:** It should be packaged in burlap.

**Senator Heckaman:** When they grow this in the lab, what is to stop it from growing on the shelf? What do they disinfect it with?

**Chairman Luick:** They'd have to sterilize it, kill it.

**Representative Schmidt:** I don't know what a grocery store owner would do in this case.

**Senator Klein:** I do, they wouldn't sell it.

**Mary Graner, Independent Beef Association of ND:** Testified in favor of HB 1400 and provided Attachment # 1.

A couple more comments. Basically, this is about ending animal Agriculture in the USA and the world. They think Bovine gasses are leading to the greenhouse effect and if they call this beef, they take our branding.

Right now there are no studies on the health, if it's good or bad for you. McDonalds used to use soy in their burger, they stopped because of Wendy's commercial asking where the beef was? People wanted an all-beef burger. Nothing against soy, just call it what it is. You can get bacon flavored donuts. Can you package it and put it in the meat department and call it meat? No. At the beginning of the video they mentioned it was vegan. It uses animal cells, so it's not vegan.

**Senator Larsen:** Reading this testimony from the Cattleman's group, our bill gives the definition of meat in the bill. Is that a better umbrella then compared to the nation? Other states have left pork out. Is our definition a stronger definition?

**Mary Graner:** Yes I believe so. It should cover all the meats. They have fake bacon

**Senator Larsen:** With the expansion of meat and being for sale, if those items are for human consumption, we wouldn't have to change the wording?

**Mary Graner:** That is my understanding.

**Chairman Luick:** I am looking forward to the manmade uppers on our Cowboy boots as well.

**Mary Graner:** They are hijacking every one of our industries. Oil, gas, livestock. Maybe they want us back to Adam and Eve wearing leaves or nothing at all? Not to be paranoid, but this is the way the world is going. We need to stop these things at infancy. It took them 18 years to address almond milk, every gallon of almond milk has 2 almonds. With horses, dogs and cats PETA would have a hard time letting that go.

**Chairman Luick:** It is out there.

**Senator Larsen:** With the new green deal. What is your take on that? With making this product will push that out, wont they still need a host?

**Mary Graner:** Yes they need a host for this. Other products down the line will be using an alternative protein, where they use just a plant based protein. We aren't against it, we just want truth in labeling. This isn't beef, chicken or meat.

**Vice Chair Myrdal:** A plan is to have storage of a protein base, like in Norway they have a seed of everything in the world. They want to have a protein based for every frozen sample of each species to reproduce from that. Instead of a herd of 1,000 cattle, it would minimize it to 2 then collect, store, freeze and produce in a lab.

**Julie Ellingson, ND Stockman's Association:** Testified in support of HB 1400 and provided Attachment # 2.

**Vice Chair Myrdal:** What are your comments on blending?

**Julie Ellingson:** I hadn't thought of that before. I would share concerns of that too. Maybe the health department is more aware of rules for that?

**Julie Wagendorf, Department of Health Director of Food and Lodging:** How food is labeled at the retail. Whether it's at a restaurant or labeling in a store. On page 3, section 3 line 2. Chapter 19 covers ND Food, drug and cosmetic act. That is what the health department has authority in. It covers standard of identity. The code of federal regulations has a standard of identity for all foods. It also covers misbranding of food, which is making

sure it is honestly presented with the list of ingredients on the label. As far as blended, that is a good question. I have done some research, it has been stated at the federal level there are many discussions about joint regulatory framework. There is question, if current regulations are robust enough to cover this new food. FDA would cover the cell culture, premarket. USDA or FSIS would cover the labeling of products, post market. I can only assume they are looking into the details of standard of identity. There is a requirement you have predominancy in labeling.

**Vice Chair Myrdal:** In your expert advice, the concern with it being 51% whatever. Would you not amend this, but wait and see what the federal part of it is?

**Julie Wagendorf:** I think we have provisions in place that require honest representation of the food. That labeling requirements require that. I don't think there is anything they could sneak in with the existing laws. I would see what they're doing at the federal level. I'm not sure if that's good advice or not.

**Chairman Luick:** In the cottage food bill, did we address cheese? And how do we address lab grown cheese.

**Julie Wagendorf:** That would be addressed under dairy. Soft cheese needs refrigeration. There are no labeling requirements, so I guess if someone really wanted to do that. We won't give them any ideas.

**Darrell Oswald, livestock producer & Vice Chair of the ND Agriculture Coalition:** Testified in support of HB 1400 and provided Attachment # 3.

**Emmery Mehlhoff, ND Farm Bureau:** We stand in strong support of HB 1400. We think it provides good protection for our hard working beef producers. A couple weeks ago at our Young Farmers and Ranchers Convention, we had a speaker who spoke on the superiority of eating our meat, especially our beef. Just how it is raise, federal, and processed, and the high nutritional value of that.

**Mary Jensen, ND Farmers Union:** Testified in favor of HB 1400 and provided Attachment # 4.

**Chairman Luick:** Closed the hearing on HB 1400. As scary as it sounds, if you look at the industrial impacts of this around the world, it is very substantial. I don't know where this will all go, but there is definite concern there. Any ideas on HB 1400?

**Senator Klein:** We can try to change words or understand every scenario, we won't get it. As time goes on, Washington will need to address this issue. Yet, we still need to make certain our folks are covered. I don't know if there's any changes we need to make here, it is definitely on its way. I think just selling this will be difficult for these folks. I think it will be a long time before people get on board with this, unless we push it on poor countries where they don't have enough protein in the diets. With Americans being so concerned with health and GMOs, and now something created in a lab? I think this bill is as good as we can get it.

**Senator Klein: Moved a Do Pass on Engrossed HB 1400.**

**Senator Larsen: Seconded.**

**Vice Chair Myrdal:** Just want to echo Senator Klein. In the grain market for farmers, we've gotten so good at producing, prices are low. This is the same with meat production. I fail to see this market taking off. Maybe for political reasons. We need to stand our ground.

**Senator Larsen:** They will have a hard time with it. In the testimony from Farmer's Union, they say "Clean meat", that has a nice spin, why would you want to eat dirty meat?

**Senator Klein:** Wasn't there pink meat? Slime meat? Made the news for a while, until people understood what they were eating.

**Chairman Luick:** With this TED talk thing, one of the professors was from Africa. He was coming unglued because in their village they rely on goats. They grazed on the mountain, they milked them and meat. That was their lively hood. These individuals pushing the new Agriculture in New York, he would have nothing to do with it. This may not be something even poor countries are interested in

**A Roll Call Vote Was Taken: 4 yeas, 0 nays, 2 absent.**

**Motion Passed.**

**Senator Larsen will carry.**

**Chairman Luick:** Adjourned the committee.

Date: 3/1/19  
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1400**

Senate Agriculture Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Klein    Seconded By Larsen

Senators	Yes	No	Senators	Yes	No
Chairman Luick	✓		Senator Hogan (Heckaman)		
Vice Chair Myrdal	✓				
Senator Klein	✓				
Senator Larsen	✓				
Senator Osland <u>Absent</u>					

Total (Yes) 4    No 0

Absent 2

Floor Assignment Larsen

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1400, as engrossed: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1400 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**HB 1400**

# The Wall Street Journal

#1  
HB 1400  
1/24/19

**The race is on to create lab-grown meat products. Still, little is known about their safety and potential impact.**

*By*

*Matt McDonald and*

*Jason Bellini*

Dec. 11, 2018 5:30 a.m. ET

Israeli-based Aleph Farms says it's figured out how to create the structure of real beef from animal cells in a petri dish — so that it actually feels like you're biting into a piece of meat, rather than just tasting it.

WSJ's Jason Bellini visited the company's headquarters in a technology park on the outskirts of Tel Aviv, for a taste of what Aleph Farms says is the first lab-grown steak in the world.

Aleph Farms is among several companies in a race to grow meat in a lab using clusters of cells from animals, without actually killing them.

“In theory, we're talking you could be eating bison meat without killing bison. You could be eating whale without harming whales,” says Jan Dutkiewicz, a researcher at Johns Hopkins University.

Regulators in the U.S. are still evaluating whether cultured meats are safe for consumers, and whether they should even be called meat.

While proponents say these new meats can be produced at a fraction of the environmental costs that come from traditional, large-scale farming, at this early stage of development, producing a pound of meat from cells is still far more expensive than that from an animal.

In this episode we visit with entrepreneurs, scientists, cattle ranchers, and more, to understand how cell-cultured meat is made, and what the future of meat might look like.

Sixty-sixth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1400**

Introduced by

Representatives Schmidt, D. Johnson, Magrum, Meier, Rohr, Satrom

Senators Cook, Schaible

#2  
1/24/19

Pounds for Pound  
Dollar for Dollar  
I believe ND  
can compete with  
any product with  
to let the market  
dictate success.  
not the  
government

Labeling of Cells  
Cultured protein  
from the  
issue of  
protein

1 A BILL for an Act to create and enact section 4.1-31-05.1 of the North Dakota Century Code,  
2 relating to misrepresenting nonmeat as a meat food product; to amend and reenact section  
3 4.1-31-01 of the North Dakota Century Code, relating to the definition of meat and the  
4 nomenclature of edible meat products; and to provide a penalty.

**5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

**8 4.1-31-01. Definitions.**

- 9 1. "Adulterated" means a carcass or meat food product:
  - 10 a. That includes a poisonous or harmful substance that may render it injurious to
  - 11 health;
  - 12 b. That includes a chemical pesticide that is unsafe under the Federal Food, Drug,
  - 13 and Cosmetic Act [21 U.S.C. 301 et seq.];
  - 14 c. That includes a food or color additive that is unsafe under the Federal Food,
  - 15 Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
  - 16 d. That includes a filthy, putrid, or decomposed substance or is for any other reason
  - 17 unfit for human food;
  - 18 e. That has been prepared, packed, or held under unsanitary conditions;
  - 19 f. That includes the product of an animal that has died in a manner other than
  - 20 slaughter or includes the product of an animal condemned by reason of disease
  - 21 that existed at the time of slaughter;
  - 22 g. The container of which includes a poisonous or harmful substance that may
  - 23 make the contents harmful to health;

swill article  
Bring it on  
But label it  
as what it  
is.

- 1 h. That has been intentionally subjected to radiation, unless the use of the radiation  
2 conformed with a regulation or exemption in effect under the Federal Food, Drug,  
3 and Cosmetic Act [21 U.S.C. 301 et seq.];
- 4 i. That is damaged or inferior and that damage or inferiority has been concealed; or  
5 j. That has had a substance added to it or mixed or packed with it so as to increase  
6 its bulk or weight, or make it appear better or of greater value than it is.
- 7 2. "Animal" includes cattle, swine, sheep, goats, farmed cervidae, llama, horses,  
8 equines, bison, other large domesticated animals, and poultry.
- 9 3. "Carcass" includes all or any part of an animal carcass.
- 10 4. "Container" means a receptacle of a meat food product.
- 11 5. "Custom processing" means slaughtering, eviscerating, dressing, or processing an  
12 animal carcass or meat food products for the owner of the animal carcass or the meat  
13 food products, if all meat food products derived from the custom processing are  
14 returned to that owner.
- 15 6. "Inspector" means an inspector appointed by the commissioner to perform duties  
16 under this chapter.
- 17 7. "Intrastate commerce" means commerce within this state.
- 18 8. "Meat" means the edible flesh of an animal born, ~~nurtured~~, and ~~processed~~harvested for  
19 the  
20 purpose of human consumption.
- 21 9. "Meat food product" means a product usable as human food which contains any part  
22 of an animal carcass from an animal born, ~~nurtured~~, and ~~processed~~harvested for the  
23 purpose  
24 of human consumption. The term does not include any product that contains any part  
25 of an animal carcass in a relatively small proportion or which historically has not been  
26 considered by consumers as a product of the meat food industry, and which is not  
27 represented as a meat food product.
- 28 9-10. "Poultry" includes domesticated fowl bred for the primary purpose of producing eggs  
29 or meat, or both, including chickens, turkeys, ostriches, emus, rheas, cassowaries,  
30 waterfowl, and game birds, but excluding doves and pigeons.
- 40-11. "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise  
manufactured or processed.

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

3       **4.1-31-05.1. Misrepresentation of nonmeatcell cultured protein as meat food product prohibited.**

4       1. A person may not advertise, offer for sale, sell, or misrepresent nonmeatcell cultured protein as a meat food product. A nonmeatcell cultured protein product:

5           a. May not be packaged in the same, or deceptively similar, packaging as a meat  
6           food product; and

7           b. Must be labeled as a cell cultured protein food product; and

8           ~~c. May not contain the word "beef" on the label.~~

9       ~~2. For purposes of this section, "nonmeat" includes laboratory produced, or cultured, cell~~  
10       ~~masses grown from bovine tissue intended for human consumption.~~

11       3. For purposes of this section, "deceptively similar" means packaging that could mislead  
12       a reasonable person to believe the product is a meat food product.

**SECTION 3.** Section 19-02.1-10.2 of the North Dakota Century Code is created and enacted as follows:

**19.02.1-10-2. 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;

b. Must be labeled as a cell cultured food product; and

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.

#3 HB1400  
1/24/19

Good morning chairman Johnson and members of the House Agriculture Committee. For the record I'm Larry Kinev cattle producer and member of the board of directors of the Independent Beef Association of ND. Thank you for the opportunity to stand in support of House Bill 1400.

HB1400 will serve as a vehicle to define meat as we know it in a traditional sense and separate that defined product from cell cultured or plant based protein products. HB1400 is not written to deny consumer access to any product in the marketplace or to afford an unfair advantage to one product over another. Quite the opposite it should provide clear concise labels that differentiate meat raised and harvested from a live animal from cell cultured or plant based protein products grown in a vat or manufactured in a factory.

As technology rapidly moves forward labeling of production practices is of the utmost importance. I urge a do pass on HB1400 and thank you for your consideration.

Sent from my Verizon Wireless 4G LTE Tablet

# 4  
1/24/19

**North Dakota Stockmen's Association**  
**Testimony to the House Agriculture Committee on HB 1400**

**Jan. 24, 2019**

Good morning, Chairman Johnson and members of the House Agriculture Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association, an 89-year-old beef cattle trade organization representing 3,000 cattle-ranching families in our state.

In 2017, Stockmen's Association members identified imitation and lab-grown protein as a priority issue of concern and developed policy calling for 1) educational efforts to inform consumers about the differences between meat and alternative products and 2) truth-in-labeling rules that clarify those differences.

HB 1400 is an important tool to help us achieve those objectives.

You see, beef competes for the center of the plate every day and must win over the hearts – and the taste buds – of consumers in restaurants and grocery stores. Unrivaled for taste, quality and nutrient-denseness, beef can hold its own – but it must have a level playing field.

That's what the bill before you strives to do, by establishing definitions that clarify that meat and meat food products come from animals born and harvested, instead of from a lab process, and prohibiting deceptive labeling, marketing and packaging that could mislead a reasonable person and allow cell-cultured protein to masquerade as something it is not.

The amendments suggested by Rep. Schmidt are critically important in increasing the effectiveness of this bill.

#4  
1/24/19  
HB 1400

First and foremost, the addition to Section 19.02.1-10.2 gets to the heart of the matter by adding the same prohibitions on misrepresentation in the North Dakota Department of Health's food and lodging laws. While the ag department reference is helpful, the Department of Health has the regulatory authority over products sold through restaurants and retail, and this is where this law will be most impactful in ensuring accurate information not only for the livestock and meat industry, but for consumers making purchasing decisions.

We also advocate for the expansion of HB 1400's language as indicated on page 2, line 7, of the amendments to include all cell-cultured proteins, not just those trying to imitate beef. Why is that important to a beef cattle organization? There are two primary reasons: 1) If we have inconsistent rules for different food products, the more stringent set of rules are likely to be challenged in court. This may be a way to ward off a lawsuit and any other attempts to relax the more stringent rules to match the weaker ones. 2) It's appropriate for the state to adopt a holistic policy and regulatory framework for the broad category of emerging cell-cultured protein now, since products are expected to hit the commercial marketplace as early as this year, with cell-cultured poultry products scheduled to be the first out of the gate – or, make that, petri dish.

We also support the revised definitions of "meat" and "meat food product," particularly with the undefined and subjective word "nurtured" struck from the entries.

These changes enhance the bill, establish reasonable expectations for cell-cultured proteins in order to create a level playing field and help ensure that consumers have accurate information to make decisions from.

The Stockmen's Association is passionate about this topic because we have seen how misleading information has created challenges for other food products and confusion for consumers. A perfect example is the dairy industry and almond milk.

#4  
1/24/19  
HB 1400

On the federal level, our organization has urged USDA's Food Safety Inspection Service and Food and Drug Administration to solidify a regulatory framework governing cell-cultured products before they are allowed to enter the commercial marketplace and has weighed in on the details of the agencies' joint jurisdiction over the products.

HB 1400 complements those efforts and is a proactive way to lay out the state's expectations for truth in labeling and marketing.

We urge the adoption of the suggested amendments and a do-pass recommendation on the bill.

Thank you. Are there any questions?



#5  
HB 1400  
1/24/19

### **Truth in Labeling: United States Cattlemen's Association Urges Support for HB1400**

On January 14, 2019, Representative James Schmidt and Senator Don Schaible of the North Dakota State Legislature filed [HB1400](#) to promote truthful and transparent labeling of alternative protein products. The bill prohibits the misrepresentation of “cell cultured food” as “meat” and reaffirms the definition of “meat” as the edible flesh of an animal born, raised, and processed for the purpose of human consumption.

Under HB1400, a “cell cultured” product, defined within the bill as laboratory produced, or cultured, cell masses grown from bovine tissue intended for human consumption, cannot be packaged in the same, or deceptively similar, packaging as a meat food product. Further, the label may not contain the word ‘beef’ and must be clearly labeled as a cultured food product.

North Dakota follows several other states in the introduction of this piece of legislation - Nebraska, Indiana, Virginia, and Wyoming are all considering similar bills. In 2018, Missouri successfully passed a law requiring that only products derived from harvested production livestock or poultry can be marketed as meat.

Laboratory produced cell masses are not yet available in retail markets. The companies brewing these products have estimated that they will not have an economically efficient, consumer-affordable and safe product ready for retail shelves for another three to five years. This gives North Dakota lawmakers the perfect opportunity to get out ahead of this issue – before the product enters the mass-production stage– and demand the implementation of truthful and transparent labeling for consumers.

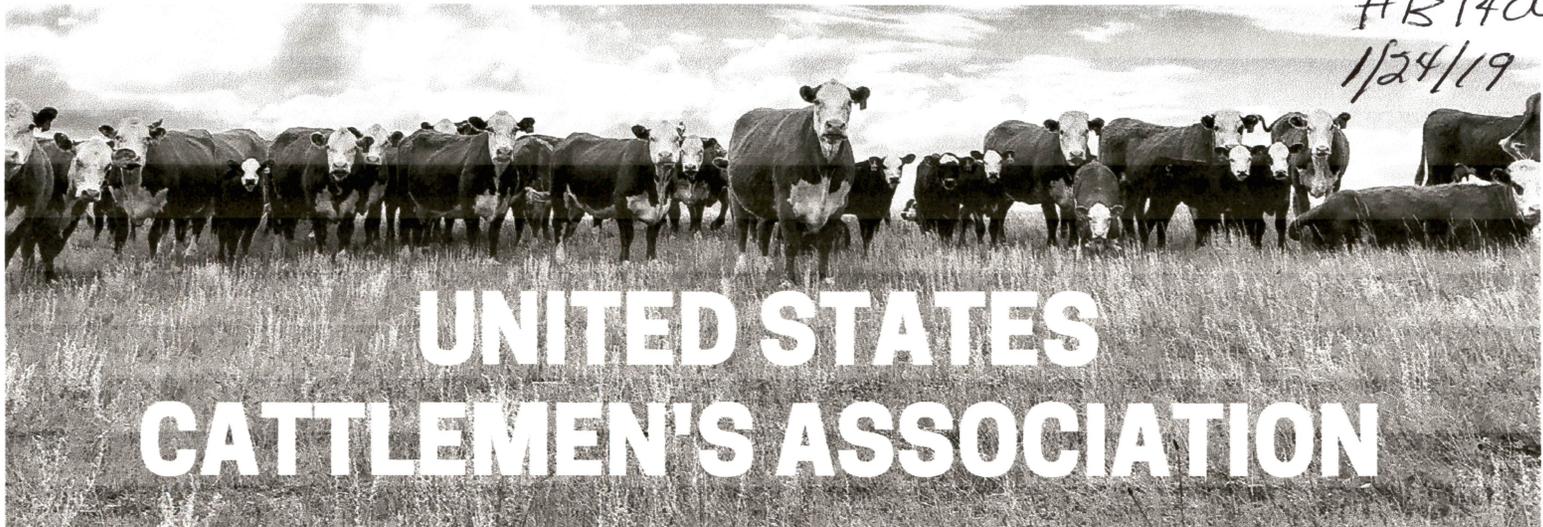
With 89% of Americans consuming meat, it's important that consumers receive all the labeling information needed to make an informed dietary decision. The health effects of laboratory-produced protein are not yet known – the consumption of such cultured products has been very limited, with only a few billionaire investors and media journalists being able to sample the final product. Consumers have the right to know if what they are ingesting is safe for their health – with labels that plainly state the source of the product they are buying, they can make a more informed decision.

In February 2018, USCA submitted a petition for rulemaking to the USDA Food Safety and Inspection Service, asking the agency to define the terms 'beef' and 'meat' as products derived from the flesh of a [bovine] animal harvested in the traditional manner.

Our members testified on the issue of foods produced using cellular technology multiple times this year and we are pleased to see the USDA and FDA recently commit to working together on labeling and oversight of cell-cultured protein as this moves forward.

Allowing these products to call themselves 'beef' or 'meat' would hijack the many years and millions of dollars of branding that producers have invested into the Beef Checkoff Program. Since 1986, nearly \$1.1 billion has been raised through the contributions producers make each time a beef animal changes ownership. The alternative proteins industry is attempting to hijack our trademark branding to capitalize on consumer confusion. It is imperative that misleading labels of alternative protein products be remedied in a timely fashion. We ask that you support HB1400 to reaffirm the definition of “beef” and “meat”.

#5  
HB 1400  
1/24/19



## CELL-CULTURED PROTEIN



Not yet commercially available, cell-cultured protein is the product of animal muscle cells being raised and harvested in a petri-dish.

## PROTEIN ALTERNATIVES



Pea protein and vegetable alternatives are being placed in the same meat case as U.S. born and raised beef.

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## TRUTH IN LABELING

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In February 2018, USCA submitted a petition for rulemaking to the USDA Food Safety and Inspection Service, asking the agency to define the terms 'beef' and 'meat' as products derived from the flesh of a [bovine] animal harvested in the traditional manner.

The Food and Drug Administration has made it a priority this year to tackle the issue of standards of identity for certain food products, most notably the issue of nut juices being labeled as 'milk'. USCA has weighed in with the agency several times asking that this same priority be placed on vegetarian- or insect-based products that attempt to imitate meat.

Our members testified on the issue of foods produced using cellular technology multiple times this year and we are pleased to see the USDA and FDA recently commit to working together on labeling and oversight of cell-cultured protein as this moves forward.

Allowing these products to call themselves 'beef' would hijack the many years and millions of dollars of branding that producers have invested into the Beef Checkoff Program. Since 1986, nearly \$1.1 billion has been raised through the contributions producers make each time a beef animal changes ownership. The alternative proteins industry is attempting to hijack our trademark branding to capitalize on consumer confusion.



***It is imperative that misleading labels of alternative protein products be remedied in a timely fashion.***



#6  
HB 1400  
1/24/19

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**Mary Jensen, Lobbyist**  
[mjensen@ndfu.org](mailto:mjensen@ndfu.org) | 701.952.0107

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**Testimony of  
Mary Jensen  
North Dakota Farmers Union  
Before the  
House Agriculture Committee on HB 1400  
January 24, 2019**

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Chairman and Members of the Committee,

My name is Mary Jensen and I am here on behalf of the members of North Dakota Farmers Union regarding House Bill No. 1400.

With the invention and rapid advancement of “clean meat”, “laboratory produced meat”, “cultured meat”, and meatless options designed to closely imitate meat, it is imperative that labeling requirements be established for meat products to adequately inform consumers and to eliminate the likelihood of consumer confusion regarding the products they are purchasing. Products derived from alternative sources, such as synthetic products from plants, insects, or other non-meat components and any product grown or created in a lab from animal cell culture technology should be prohibited from being labeled as meat.

NDFU supports the proposed definitions in HB 1400 and we urge a do pass on this bill.

Thank you for your time. I will stand for questions.



# 7  
HB 1400  
1/24/19



January 24, 2019

The North Dakota House of Representatives  
Agriculture Committee  
State Capitol  
600 East Boulevard  
Bismarck, ND 58505-0360

2 pages submitted by electronic copy

Dear Members of the Agriculture Committee:

We are writing to express our opposition to House Bill 1400, which would not only prohibit using beef terms on meat labels as well as so-called “deceptively similar” packaging, *but also* would require products to be labeled as cultured food products, unless the product is derived from an animal born, nurtured, and processed for the purpose of human consumption. Of course, misrepresentation is already prohibited by federal law. The intent of this bill is to censor words and imagery on food labels.

Censoring labels and mandating the use of particular language in the absence of consumer confusion is unconstitutional, wrong, and dangerous. First, producers have a right to free speech under the First Amendment to describe their products in a clear manner, consistent with consumer expectations. Indeed, Missouri’s meat labeling law, which like House Bill 1400 restricts labels of cell-based meat, is currently subject to litigation on the grounds that it violates the right to free speech. Cell-based meat producers have every incentive to comply with federal law by communicating clearly with consumers about their products as they will likely be sold at a price premium when entering the market and will want to distinguish themselves from conventional products.

Second, creating a state-specific prohibition would create an untenable situation where products sold here must be labeled differently from products sold in all 49 other states. Federal law already prohibits false or misleading labels through the federal Food Drug and Cosmetic Act and the Federal Meat Inspection Act. Kansas’s Artificial Dairy Products Act — which sought to limit usage of the term milk — was struck down in 1987 on preemption grounds. The court found that the legislation’s problematic provisions would engender “misleading and inaccurate information to consumers” on product labels.

# 7  
HB 1400  
1/24/19



Third, prohibiting “deceptively similar” labels, which are defined as packaging that could mislead a reasonable person to believe the product is a meat food product, puts enormous discretion into the hands of prosecutors and is so vague that companies that wish to do business in North Dakota may refrain from doing so, out of fear that they would inadvertently violate this bill if it becomes law.

Fourth, prohibiting the use of commonsense labels would be unfair to competitors and consumers. Banning the use of ordinary names would present a serious hurdle to producers trying to describe their products, inhibiting their ability to convey to consumers the nature of their foods.

Finally, because cell-based meat (sometimes called cultured meat) is meat grown from animal cells outside of an animal, a label for a burger patty made of cell-based beef that does not clearly communicate to the consumer that the product contains beef would be misleading and dangerous, since a consumer with a beef allergy would react the same way as if he or she ate a conventional burger patty.

We respectfully urge you to vote against government censorship and in favor of the free market. Please oppose House Bill 1400. Thank you for your consideration and attention to this matter.

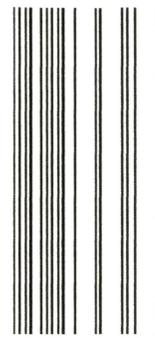
Sincerely,

Handwritten signature of Nicole Manu in black ink.

Nicole Manu  
Staff Attorney  
The Good Food Institute  
301.537.4863 | [nicolem@gfi.org](mailto:nicolem@gfi.org)

Handwritten signature of Jessica Almy in black ink.

Jessica Almy  
Policy Director  
The Good Food Institute  
202.670.1686 | [jessicaa@gfi.org](mailto:jessicaa@gfi.org)



HB 1400  
3/1/19  
#1 pg.1

### **Truth in Labeling: United States Cattlemen's Association Urges Support for HB1400**

The North Dakota State Legislature introduced [HB1400](#) promote truthful and transparent labeling of alternative protein products. The bill prohibits the misrepresentation of alternative protein as “meat” and reaffirms the definition of “meat” as the edible flesh of an animal born, raised, and processed for the purpose of human consumption.

Under HB1400, an alternative protein product, defined within the bill as laboratory produced, or cultured, cell masses grown from bovine tissue intended for human consumption, cannot be packaged in the same, or deceptively similar, packaging as a meat food product. Further, the label may not contain the word ‘beef’ or ‘meat’ and must be clearly labeled as a cultured food product.

North Dakota follows several other states in the introduction of this piece of legislation - Nebraska, Indiana, Virginia, and Wyoming are all considering similar bills. In 2018, Missouri successfully passed a law requiring that only products derived from harvested production livestock or poultry can be marketed as meat.

Laboratory produced cell masses are not yet available in retail markets. The companies brewing these products have estimated that they will not have an economically efficient, consumer-affordable and safe product ready for retail shelves for another three to five years. This gives North Dakota lawmakers the perfect opportunity to get out ahead of this issue – before the product enters the mass-production stage—and demand the implementation of truthful and transparent labeling for consumers.

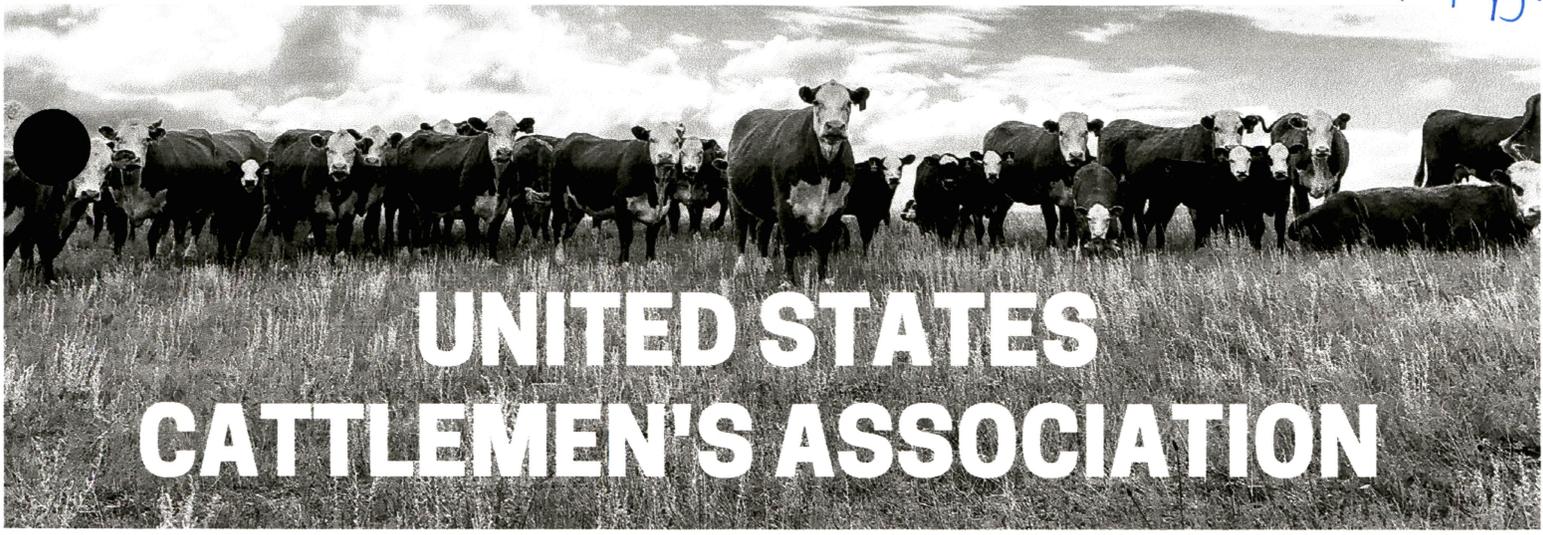
With 89% of Americans consuming meat, it’s important that consumers receive all the labeling information needed to make an informed dietary decision. The health effects of laboratory-produced protein are not yet known – the consumption of such cultured products has been very limited, with only a few billionaire investors and media journalists being able to sample the final product. Consumers have the right to know if what they are ingesting is safe for their health – with labels that plainly state the source of the product they are buying, they can make a more informed decision.

In February 2018, USCA submitted a petition for rulemaking to the USDA Food Safety and Inspection Service, asking the agency to define the terms 'beef' and 'meat' as products derived from the flesh of a [bovine] animal harvested in the traditional manner.

Our members testified on the issue of foods produced using cellular technology multiple times this year and we are pleased to see the USDA and FDA recently commit to working together on labeling and oversight of cell-cultured protein as this moves forward.

Allowing these products to call themselves 'beef' or ‘meat’ would hijack the many years and millions of dollars of branding that producers have invested into the Beef Checkoff Program. Since 1986, nearly \$1.1 billion has been raised through the contribution producers make each time a beef animal changes ownership. The alternative proteins industry is attempting to hijack our trademark branding to capitalize on consumer confusion. It is imperative that misleading labels of alternative protein products be remedied in a timely fashion. We ask that you support HB1400 to reaffirm the definition of “beef” and “meat”.

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# 1 pg. 2



## CELL-CULTURED PROTEIN



Not yet commercially available, cell-cultured protein is the product of animal muscle cells being raised and harvested in a petri-dish.

## PROTEIN ALTERNATIVES



Pea protein and vegetable alternatives are being placed in the same meat case as U.S. born and raised beef.

## TRUTH IN LABELING

In February 2018, USCA submitted a petition for rulemaking to the USDA Food Safety and Inspection Service, asking the agency to define the terms 'beef' and 'meat' as products derived from the flesh of a [bovine] animal harvested in the traditional manner.

The Food and Drug Administration has made it a priority this year to tackle the issue of standards of identity for certain food products, most notably the issue of nut juices being labeled as 'milk'. USCA has weighed in with the agency several times asking that this same priority be placed on vegetarian- or insect-based products that attempt to imitate meat.

Our members testified on the issue of foods produced using cellular technology multiple times this year and we are pleased to see the USDA and FDA recently commit to working together on labeling and oversight of cell-cultured protein as this moves forward.

Allowing these products to call themselves 'beef' would hijack the many years and millions of dollars of branding that producers have invested into the Beef Checkoff Program. Since 1986, nearly \$1.1 billion has been raised through the contributions producers make each time a beef animal changes ownership. The alternative proteins industry is attempting to hijack our trademark branding to capitalize on consumer confusion.



***It is imperative that misleading labels of alternative protein products be remedied in a timely fashion.***

HB 1400  
3/1/19  
#2 pg. 1/1

**North Dakota Stockmen's Association**  
**Testimony to the Senate Agriculture Committee on HB 1400**  
**March 1, 2019**

Good morning, Chairman Luick and members of the Senate Agriculture Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association, an 89-year-old beef cattle trade organization representing 3,000 cattle-ranching families in our state.

Earlier, I described the NDSA's policy on cell-cultured protein, which calls for educational efforts to inform consumers about the differences between meat and alternative products and truth-in-labeling rules that clarify those differences.

HB 1400 is an important tool to help us achieve those objectives, addressing this issue from the state perspective.

It establishes definitions that clarify that meat and meat food products come from animals born and harvested, instead of from a lab process, and prohibits deceptive labeling, marketing and packaging that could mislead consumers and allow cell-cultured protein to masquerade as something it is not. The misrepresentation prohibition is included in both the Ag Department's meat inspection chapter and the North Dakota Department of Health's food and lodging laws. Because the Department of Health has the regulatory authority over products sold through restaurants and retail, this is where this law will be most impactful in ensuring accurate information for consumers making purchasing decisions.

HB 1400 complements the Stockmen's Association's efforts on this issue on the federal level and is a proactive way to lay out the state's expectations for truth in labeling and marketing.

We ask for a do-pass recommendation on HB 1400.

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3/1/19  
# 3 pg. 1/1



**Testimony of Darrell Oswald  
North Dakota Ag Coalition  
Vice Chairman  
In Support of HB 1400**

**P.O. Box 1091  
Bismarck, ND 58502  
(701) 355-4458  
FAX (701) 223-4645**

**VOTING MEMBERS**

- Independent Beef Association of ND
- Milk Producers Association of ND
- Minn-Dak Farmers Cooperative
- ND Ag Aviation Association
- ND Agricultural Association
- ND Ag Consultants
- ND Agri-Women
- ND Barley Council
- ND Corn Growers Association
- ND Corn Utilization Council
- ND Crop Improvement & Seed Association
- ND Dry Bean Council
- ND Elk Growers
- ND Ethanol Council
- ND Farm Credit Council
- ND Farmers Union
- ND Grain Dealers Association
- ND Grain Growers Association
- ND Irrigation Association
- ND Lamb & Wool Producers
- ND Oilseed Council
- ND Pork Producers Council
- ND Soybean Growers Association
- ND Stockmen's Association
- ND Wheat Commission
- Northern Canola Growers Association
- Northern Plains Potato Growers
- Northern Pulse Growers Association
- Northwest Landowners Association
- Red River Valley Sugarbeet Growers
- U.S. Durum Growers Association

**NON-VOTING MEMBERS**

- BNSF Railway, Inc.
- Ellingson Companies
- Garrison Diversion Conservancy District
- ND Association of Ag Educators
- ND Association of Soil Conservation Districts
- ND Beef Commission
- ND Department of Ag
- ND Soybean Council
- ND State Seed Commission
- NDSU Agricultural Affairs

Chairman Luick and members of the committee, my name is Darrell Oswald, and I am here today as a livestock producer and vice chairman of the North Dakota Ag Coalition in support of HB 1400, which protects the authenticity of meat products produced in North Dakota.

The Ag Coalition has provided a unified voice for North Dakota agricultural interests for over 35 years. Today, we represent more than 40 statewide organizations and associations that represent specific commodities or have a direct interest in agriculture. Through the Ag Coalition, our members seek to enhance the climate for North Dakota's agricultural producers.

The Ag Coalition takes a position on a limited number of issues, brought to us by our members, that have significant impact on North Dakota's agriculture industry. The Ag Coalition supports HB 1400, as it protects the authenticity of meat products produced in North Dakota by reinstating the definition of meat and nomenclature and disallowing cell-cultured protein to be labeled as meat.

North Dakota's beef producers work diligently through multiple programs, such as beef quality assurance (BQA), to ensure consumers have the best product from a well-cared for animal. It is important to the state's livestock producers that a clear definition and understanding of the word meat is established, and this bill accomplishes that. It also reinstates that to be classified as meat, the animal must be born and harvested for human consumption, which is essential to accurately representing the product produced by the state's livestock producers.

The North Dakota Ag Coalition encourages your support of HB 1400, as it protects animal agriculture in our state by disallowing cell-cultured protein to be labeled as meat.



HB 1400  
3/1/19  
# 4 pg. 1/1

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**Mary Jensen, Lobbyist**  
[mjensen@ndfu.org](mailto:mjensen@ndfu.org) | 701.952.0107

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**Testimony of  
Mary Jensen  
North Dakota Farmers Union  
Before the  
Senate Agriculture Committee on HB 1400  
March 1, 2019**

---

Chairman and Members of the Committee,

My name is Mary Jensen and I am here on behalf of the members of North Dakota Farmers Union regarding House Bill No. 1400.

With the invention and rapid advancement of “clean meat”, “laboratory produced meat”, “cultured meat”, and meatless options designed to closely imitate meat, it is imperative that labeling requirements be established for meat products to adequately inform consumers and to eliminate the likelihood of consumer confusion regarding the products they are purchasing. Products derived from alternative sources, such as synthetic products from plants, insects, or other non-meat components and any product grown or created in a lab from cell culture technology should be prohibited from being labeled as meat.

NDFU supports the proposed definitions in HB 1400 and we urge a do pass on this bill.

Thank you for your time. I will stand for questions.

