

Food Labeling Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor: Derrin R. Owens

LONG TITLE**General Description:**

This bill addresses labeling of meat type products.

Highlighted Provisions:

This bill:

- defines terms;
- requires labeling of food containing cultivated meat products;
- requires labeling of food containing plant or insect based meat substitutes;
- provides for notification, inspections, and the payment of a fee related to cultivated meat products and plant or insect based meat substitutes;
- addresses rulemaking; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

4-5-102, as last amended by Laws of Utah 2023, Chapter 528

4-5-201, as renumbered and amended by Laws of Utah 2017, Chapter 345

4-5-301, as renumbered and amended by Laws of Utah 2017, Chapter 345

4-5a-103, as last amended by Laws of Utah 2023, Chapter 362

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-5-102** is amended to read:

4-5-102 . Definitions.

As used in this chapter:

(1) "Advertisement" means a representation, other than by labeling, made to induce the

31 purchase of food.

32 (2)(a) "Color additive":

33 (i) means a dye, pigment, or other substance not exempted under the federal act that,
34 when added or applied to a food, is capable of imparting color; and

35 (ii) includes black, white, and intermediate grays.

36 (b) "Color additive" does not include a pesticide chemical, soil or plant nutrient, or other
37 agricultural chemical that imparts color solely because of the chemical's effect,
38 before or after harvest, in aiding, retarding, or otherwise affecting, directly or
39 indirectly, the growth or other natural physiological process of any plant life.

40 (3)(a) "Consumer commodity" means a food, as defined by this chapter, or by the
41 federal act.

42 (b) "Consumer commodity" does not include:

43 (i) a commodity subject to packaging or labeling requirements imposed under the
44 Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Sec. 136 et seq.;

45 (ii) a commodity subject to Chapter 16, Utah Seed Act;

46 (iii) a meat or meat product subject to the Federal Meat Inspection Act, 21 U.S.C.
47 Sec. 601 et seq.;

48 (iv) a poultry or poultry product subject to the Poultry Inspection Act, 21 U.S.C. Sec.
49 451 et seq.;

50 (v) a tobacco or tobacco product; or

51 (vi) a beverage subject to or complying with packaging or labeling requirements
52 imposed under the Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.

53 (4) "Contaminated" means not securely protected from dust, dirt, or foreign or injurious
54 agents.

55 (5)(a) "Cultivated meat product" means a meat, as defined in Section 4-32-105, or
56 another food or food product that is:

57 (i) produced by cultivating or culturing an animal cell in vitro; and

58 (ii) used for human consumption.

59 (b) "Cultivated meat product" includes poultry, fish, and ~~h~~→ [wild game] other livestock, as
59a defined in Section 4-7-103, ←h that meets the
60 requirements of Subsection (5)(a).

61 [(5)] (6)(a) "Farm" means an agricultural operation, under management by one entity,
62 that grows or harvests crops.

63 (b) "Farm" does not include an entity that is exempt under 21 C.F.R. 112.4(a) or 21

64 C.F.R. 112.5.

65 [(6)] (7) "Farmers market" means a market where a producer of a food product sells only a
66 fresh, raw, whole, unprocessed, and unprepared food item directly to the final consumer.

67 [(7)] (8) "Federal act" means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301
68 et seq.

69 [(8)] (9) "Food" means:

70 (a) an article used for food or drink for human or animal consumption or the components
71 of the article;

72 (b) chewing gum or chewing gum components; or

73 (c) a food supplement for special dietary use that is necessitated because of a physical,
74 physiological, pathological, or other condition.

75 [(9)] (10)(a) "Food additive" means a substance, the intended use of which results in the
76 substance becoming a component, or otherwise affecting the characteristics, of a food.

77 (b)(i) "Food additive" includes a substance or source of radiation intended for use in
78 producing, manufacturing, packing, processing, preparing, treating, packaging,
79 transporting, or holding food.

80 (ii) "Food additive" does not include:

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

82 (B) a pesticide chemical that is intended for use or is used in the production,
83 storage, or transportation of a raw agricultural commodity; or

84 (C) a substance used in accordance with a sanction or approval granted pursuant
85 to the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq. or the
86 Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.

87 [(10)] (11)(a) "Food establishment" means a grocery store, bakery, candy factory, food
88 processor, bottling plant, sugar factory, cannery, farm, rabbit processor, meat
89 processor, flour mill, cold or dry warehouse storage, or other facility where food
90 products are manufactured, canned, processed, packaged, stored, transported,
91 prepared, sold, or offered for sale.

92 (b) "Food establishment" does not include:

93 (i) a dairy farm, a dairy plant, or a meat establishment, that is subject to the Poultry
94 Products Inspection Act, 21 U.S.C. Sec. 451 et seq., or the Federal Meat
95 Inspection Act, 21 U.S.C. Sec. 601 et seq.;

96 (ii) a farmers market; or

97 (iii) a food service establishment, as that term is defined in Section 26B-7-401.

- 98 ~~[(11)]~~ (12) "Label" means a written, printed, or graphic display on the immediate container
99 of an article of food.
- 100 ~~[(12)]~~ (13) "Labeling" means a label and other written, printed, or graphic display:
101 (a) on an article of food or the article of food's container or wrapper; or
102 (b) accompanying the article of food.
- 103 ~~[(13)]~~ (14) "Official compendium" means the official documents or supplements to the:
104 (a) United States Pharmacopoeia;
105 (b) National Formulary; or
106 (c) Homeopathic Pharmacopoeia of the United States.
- 107 ~~[(14)]~~ (15)(a) "Package" means a container or wrapping in which a consumer
108 commodity is enclosed for use in the delivery or display of the consumer commodity
109 to retail purchasers.
110 (b) "Package" does not include:
111 (i) a package liner;
112 (ii) a shipping container or wrapping used solely for the transportation of a consumer
113 commodity in bulk or in quantity to a manufacturer, packer, processor, or
114 wholesale or retail distributor; or
115 (iii) a shipping container or outer wrapping used by a retailer to ship or deliver a
116 consumer commodity to a retail customer, if the container and wrapping bear no
117 printed information relating to the consumer commodity.
- 118 ~~[(15)]~~ (16)(a) "Pesticide" means a substance intended:
119 (i) to prevent, destroy, repel, or mitigate a pest, as defined under Section 4-14-102; or
120 (ii) for use as a plant regulator, defoliant, or desiccant.
121 (b) "Pesticide" does not include:
122 (i) a new animal drug, as defined by 21 U.S.C. Sec. 321, that has been determined by
123 the United States Secretary of Health and Human Services not to be a new animal
124 drug by federal regulation establishing conditions of use of the drug; or
125 (ii) animal feed, as defined by 21 U.S.C. Sec. 321, bearing or containing a new
126 animal drug.
- 127 (17) "Plant or insect based meat substitute" means a food or food product that:
128 (a) is plant or insect based;
129 (b) approximates the aesthetic qualities, primarily texture, flavor, and appearance, or the
130 chemical characteristics of a type of meat, as defined in Section 4-32-105, including
131 fish; and

132 (c) does not include the flesh, offal, or other by-product of any part of the carcass of a
 133 live animal that has been slaughtered.

134 [(16)] (18) "Principal display panel" means that part of a label that is most likely to be
 135 displayed, presented, shown, or examined under normal and customary conditions of
 136 display for retail sale.

137 [(17)] (19) "Produce" means a food that is a:

138 (a) fruit, vegetable, mix of intact fruits and vegetables, mushroom, sprout from any seed
 139 source, peanut, tree nut, or herb; and

140 (b) raw agricultural commodity.

141 [(18)] (20) "Raw agricultural commodity" means a food in the food's raw or natural state,
 142 including all fruits that are washed, colored, or otherwise treated in the fruit's unpeeled,
 143 natural form before marketing.

144 [(19)] (21) "Registration" means the commissioner's issuance of a certificate to a qualified
 145 food establishment.

146 [(20)] (22) "Sprout" means the shoot of a plant generally harvested when cotyledons are
 147 undeveloped or underdeveloped and mature leaves have not emerged.

148 Section 2. Section **4-5-201** is amended to read:

149 **4-5-201 . Labeling requirements -- Misbranded food specified.**

150 (1) The department may require that a label contain specific written, printed, or graphic
 151 information which is:

152 (a) displayed on the outside container or wrapper of a retail package of an article; or
 153 (b) easily legible through the outside container or wrapper.

154 (2) Food is misbranded if:

155 (a) its label is false or misleading in any way;
 156 (b) its labeling or packaging fails to conform with the requirements of Section 4-5-205;
 157 (c) it is offered for sale under the name of another food;
 158 (d) its container is so made, formed, or filled with packing material or air as to be
 159 misleading; or
 160 (e) it fails to conform with any requirement specified in this section.

161 (3)(a) A food that is an imitation of another food shall bear a label, in type of uniform
 162 size and prominence, stating the word "imitation," and, immediately thereafter, the
 163 name of the food imitated.

164 (b) If the state allows a cultivated meat product to be manufactured, sold, held or offered
 165 for sale, or distributed, a food that contains the cultivated meat product shall bear a

- 166 term or phrase on a label in a place on the packaging that is reasonably certain to
167 notify a consumer that the food contains a cultivated meat product.
- 168 (c) A food that contains a plant or insect based meat substitute:
169 (i) is not subject to Subsection (3)(a); and
170 (ii) shall bear a term or phrase on a label in a place on the packaging that is
171 reasonably certain to notify a consumer that the food contains a plant or insect
172 based meat substitute.
- 173 (d) The department shall interpret and enforce this Subsection (3) in a manner consistent
174 with applicable federal statute and regulations.
- 175 (e) The department may not enforce the requirements of Subsections (3)(b) and (c) on or
176 before October 31, 2025.
- 177 (4)(a) A food in package form shall bear a label containing:
178 (i) the name and place of business of the manufacturer, packer, or distributor; and
179 (ii) an accurate statement of the quantity of the contents in terms of weight, measure,
180 or numerical count.
- 181 (b) The statement required by Subsection (4)(a)(ii) shall be separately and accurately
182 stated in a uniform location upon the principal display panel of the label unless
183 reasonable variations and exemptions for small packages are established by a rule
184 made by the department.
- 185 (c) A manufacturer or distributor of carbonated beverages who utilizes proprietary stock
186 or a proprietary crown is exempt from Subsection (4)(a)(i) if [he] the manufacturer or
187 distributor files with the department:
188 (i) a sworn affidavit giving a full and complete description of each area within the
189 state in which beverages of [his] the manufacturer's or distributor's manufacturing
190 or distributing are to be distributed; and
191 (ii) the name and address of the person responsible for compliance with this chapter
192 within each of those areas.
- 193 (5) Any word, statement, or other information required by this chapter to appear on the
194 label or labeling shall be:
195 (a) prominently placed on the label;
196 (b) conspicuous in comparison with other words, statements, designs, or devices in the
197 labeling; and
198 (c) in terms which render it likely to be read and understood by the ordinary individual
199 under customary conditions of purchase and use.

- 200 (6) If a food is represented as a food for which a definition and standard of identity has
201 been prescribed by federal regulations or department rules as provided by Section
202 4-5-207, it shall:
- 203 (a) conform to the definition and standard; and
 - 204 (b) have a label bearing:
 - 205 (i) the name of the food specified in the definition and standard; and
 - 206 (ii) insofar as may be required by the rules, the common names of optional
207 ingredients, other than spices, flavorings, and colorings, present in the food.
- 208 (7) If a food is represented as a food for which a standard of quality has been prescribed by
209 federal regulations or department rules as provided by Section 4-5-207, and its quality
210 falls below the standard, its label shall bear, in the manner and form as the regulations or
211 rules specify, a statement indicating that it falls below the standards.
- 212 (8) If a food is represented as a food for which a standard of fill of container has been
213 prescribed by federal regulations or department rules as provided by Section 4-5-207,
214 and it falls below the applicable standard of fill, its label shall bear, in the manner and
215 form as the regulations or rules specify, a statement indicating that it falls below the
216 standard.
- 217 (9)(a) Any food for which neither a definition nor standard of identity has been
218 prescribed by federal regulations or department rules as provided by Section 4-5-207
219 shall bear labeling clearly giving:
- 220 (i) the common or usual name of the food, if any; and
 - 221 (ii) in case it is fabricated from two or more ingredients, the common or usual name
222 of each ingredient, except that spices, flavorings, and colorings, other than those
223 sold as such, may be designated as spices, flavorings, and colorings without
224 naming each.
- 225 (b) To the extent that compliance with the requirements of Subsection (9)(a)(ii) is
226 impractical or results in deception or unfair competition, exemptions shall be
227 established by rules made by the department.
- 228 (10) If a food is represented as a food for special dietary uses, its label shall bear the
229 information concerning its vitamin, mineral, and other dietary properties as the
230 department by rule prescribes.
- 231 (11)(a) If a food bears or contains any artificial flavoring, artificial coloring, or
232 chemical preservatives, its label shall state that fact.
- 233 (b) If compliance with the requirements of Subsection (11)(a) is impracticable,

- 234 exemptions shall be established by rules made by the department.
- 235 (12)(a) The shipping container of any raw agricultural commodity bearing or containing
236 a pesticide chemical applied after harvest shall bear labeling which declares the
237 presence of the chemical in or on the commodity and the common or usual name and
238 function of the chemical.
- 239 (b) The declaration is not required while the commodity, having been removed from the
240 shipping container, is being held or displaced for sale at retail out of the container in
241 accordance with the custom of the trade.
- 242 (13) A product intended as an ingredient of another food, when used according to the
243 directions of the purveyor, may not result in the final food product being adulterated or
244 misbranded.
- 245 (14) The packaging and labeling of a color additive shall be in conformity with the
246 packaging and labeling requirements applicable to the color additive prescribed under
247 the federal act.
- 248 (15)(a) Subsections (6), (9), and (11) with respect to artificial coloring do not apply to
249 butter, cheese, or ice cream.
- 250 (b) Subsection (11) with respect to chemical preservatives does not apply to a pesticide
251 chemical when used in or on a raw agricultural commodity.
- 252 Section 7. Section **4-5-301** is amended to read:
- 253 **4-5-301 . Registration of food establishments -- Fee -- Suspension and**
254 **reinstatement of registration -- Inspection for compliance.**
- 255 (1)(a) Pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
256 department shall [~~establish~~] make rules providing for the registration of food
257 establishments to protect public health and ensure a safe food supply.
- 258 (b) The owner or operator of a food establishment shall register with the department
259 before operating a food establishment.
- 260 (c) Before granting a registration to the owner or operator of a food establishment, the
261 department shall inspect and assess the food establishment to determine whether it
262 complies with the rules established under Subsection (1)(a).
- 263 (d) An applicant shall register with the department, in writing, using forms required by
264 the department.
- 265 (e) The department shall issue a registration to an applicant, if the department
266 determines that the applicant meets the qualifications of registration established
267 under Subsection (1)(a).

- 268 (f) If the applicant does not meet the qualifications of registration, the department shall
269 notify the applicant, in writing, that the applicant's registration is denied.
- 270 (g)(i) If an applicant submits an incomplete application, a written notice of
271 conditional denial of registration shall be provided to an applicant.
- 272 (ii) The applicant shall correct the deficiencies within the time period specified in the
273 notice to receive a registration.
- 274 (h)(i) The department may, as provided under Subsection 4-2-103(2), charge the
275 food establishment a registration fee.
- 276 (ii) The department shall retain the fees as dedicated credits and shall use the fees to
277 administer the registration of food establishments.
- 278 (2)(a) A registration, issued under this section, shall be valid from the date the
279 department issues the registration, to December 31 of the year the registration is
280 issued.
- 281 (b) A registration may be renewed for the following year by applying for renewal by
282 December 31 of the year the registration expires.
- 283 (3) A registration, issued under this section, shall specify:
- 284 (a) the name and address of the food establishment;
- 285 (b) the name of the owner or operator of the food establishment; and
- 286 (c) the registration issuance and expiration date.
- 287 (4)(a) The department may immediately suspend a registration, issued under this
288 section, if any of the conditions of registration have been violated.
- 289 (b)(i) The holder of a registration suspended under Subsection (4)(a) may apply for
290 the reinstatement of a registration.
- 291 (ii) If the department determines that all registration requirements have been met, the
292 department shall reinstate the registration.
- 293 (5)(a) A food establishment, registered under this section, shall allow the department to
294 have access to the food establishment to determine if the food establishment is
295 complying with the registration requirements.
- 296 (b) If a food establishment denies access for an inspection required under Subsection
297 (5)(a), the department may suspend the food establishment's registration until the
298 department is allowed access to the food establishment's premises.
- 299 (6)(a) A food establishment shall:
- 300 (i) notify the department as part of the registration or renewal process whether the
301 food establishment plans to sell, hold or offer for sale, or distribute a cultivated

- 302 meat product or a plant or insect based meat substitute;
 303 (ii) permit the department to inspect for compliance with Subsection 4-5-201(3); and
 304 (iii) pay a fee established in accordance with Subsection 4-2-103(2).
 305 (b) The department shall retain the fee as a dedicated credit and shall use the fee to
 306 administer Subsection 4-5-201(3).
 307 (c) Pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 308 department may make rules to address notification, inspection, and payment of fees
 309 under this Subsection (6).

310 Section 6. Section **4-5a-103** is amended to read:

311 **4-5a-103 . Regulation of a direct-to-sale farmers market.**

- 312 (1) Except as provided in Subsection (4), a direct-to-sale farmers market selling homemade
 313 food under this chapter shall:
 314 (a) display signage indicating to an informed final consumer that the homemade food
 315 and food products sold by producers at the market have not been certified, licensed,
 316 regulated, or inspected by state or local authorities; and
 317 (b) only include products for sale that have not been certified, licensed, regulated, or
 318 inspected by state or local authorities.
 319 (2) If the direct-to-sale farmers market is in any way associated with a farmers market as
 320 defined in [~~Subsection 4-5-102(6)~~] Section 4-5-102, the direct-to-sale farmers market
 321 section selling homemade food under this chapter shall comply with the following
 322 requirements:
 323 (a) the direct-to-sale farmers market section shall be separated from the farmers market
 324 section; and
 325 (b) the separate direct-to-sale farmers market section shall include signs or other
 326 markings clearly indicating which space is the farmers market space offering
 327 inspected items for sale and which space is the direct-to-sale farmers market space
 328 offering items that are uninspected.
 329 (3) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
 330 Administrative Rulemaking Act, regarding the signage described in Subsection (1).
 331 (4) The requirements described in Subsection (1) do not apply to a direct-to-sale farmers
 332 market comprising only minor producers or minor-operated businesses.

333 Section 3. **Effective date.**

334 This bill takes effect on May 7, 2025.