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HOUSE BILL 169

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Luis M. Terrazas and Mark Duncan and Martin R. Zamora and
Candy Spence Ezzell and Jimmy G. Mason

AN ACT

RELATING TO FOOD; PROHIBITING MISREPRESENTATION OF LAB-CULTURED
PROTEIN AS A MEAT FOOD PRODUCT; PRESCRIBING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 25-2-1 NMSA 1978 (being Laws 1951,
Chapter 169, Section 1) is amended to read:

"25-2-1. SHORT TITLE.--~~[This Act]~~ Chapter 25, Article 2
NMSA 1978 may be cited as the "New Mexico Food Act"."

SECTION 2. A new section of the New Mexico Food Act,
Section 25-2-3.1 NMSA 1978, is enacted to read:

"25-2-3.1. [NEW MATERIAL] MISREPRESENTATION OF LAB-
CULTURED PROTEIN.--

A. Advertising, offering for sale, selling or
misrepresenting lab-cultured protein as a meat food product is
prohibited.

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- 1 B. Lab-cultured protein shall:
- 2 (1) be labeled as a lab-cultured protein food
- 3 product;
- 4 (2) be presented in its own section on a
- 5 restaurant menu;
- 6 (3) not be packaged in the same or deceptively
- 7 similar packaging as a meat food product; and
- 8 (4) not be displayed with meat food products
- 9 in store displays.

- 10 C. As used in this section:
- 11 (1) "deceptively similar packaging" means
- 12 packaging that could mislead a reasonable person to believe the
- 13 product is a meat food product;
- 14 (2) "lab-cultured protein" means laboratory-
- 15 produced cell masses produced via lab culture rather than from
- 16 an animal born, nurtured and processed for the purpose of human
- 17 consumption; and
- 18 (3) "meat food product" means a product usable
- 19 as human food that contains any part of a carcass from an
- 20 animal born, nurtured and processed for the purpose of human
- 21 consumption."

22 SECTION 3. Section 25-2-4 NMSA 1978 (being Laws 1951,
23 Chapter 169, Section 4, as amended) is amended to read:

24 "25-2-4. POWER TO ENJOIN VIOLATIONS.--In addition to the
25 other remedies [~~hereinafter~~] provided in the New Mexico Food
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1 Act, the division is [~~hereby~~] authorized to apply to the
2 district court for, and such court shall have jurisdiction upon
3 hearing and for such cause shown to grant, a temporary or
4 permanent injunction restraining any person from violating any
5 provision of Section 25-2-3 or 25-2-3.1 NMSA 1978, irrespective
6 of whether or not there exists an adequate remedy at law."

7 SECTION 4. Section 25-2-5 NMSA 1978 (being Laws 1951,
8 Chapter 169, Section 5, as amended) is amended to read:

9 "25-2-5. PENALTIES--EXCEPTIONS.--

10 A. Any person who violates any [~~of the provisions~~]
11 provision of Section 25-2-3 or 25-2-3.1 NMSA 1978 [~~shall be~~] is
12 guilty of a misdemeanor and shall, on conviction [~~thereof~~], be
13 subject to imprisonment for not more than ninety days or a fine
14 of not more than one hundred dollars (\$100) or both such
15 imprisonment and fine; but if the violation is committed after
16 a conviction of such person under this section has become
17 final, [~~such~~] the person shall be subject to imprisonment for
18 not more than one hundred eighty days or a fine of not more
19 than two hundred dollars (\$200) or both such imprisonment and
20 fine.

21 B. No person shall be subject to the penalties of
22 Subsection A of this section for having violated Subsection A
23 or C of Section 25-2-3 NMSA 1978 if [~~he~~] the person establishes
24 a guaranty or undertaking, signed by and containing the name
25 and address of the person residing in the state [~~of New Mexico~~]

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1 from whom [~~he~~] the person received in good faith the article,
2 to the effect that such article is not adulterated or
3 misbranded within the meaning of the New Mexico Food Act,
4 designating that act.

5 C. No publisher, radio-broadcast licensee or agency
6 or medium for the dissemination of an advertisement, except the
7 manufacturer, packer, distributor or seller of the article to
8 which a false advertisement relates, shall be liable under this
9 section by reason of the dissemination by [~~him~~] the person of
10 such false advertisement unless [~~he~~] the person has refused, on
11 the request of the director, to furnish to the director the
12 name and post office address of the manufacturer, packer,
13 distributor, seller or advertising agency residing in the state
14 [~~of New Mexico~~] who causes [~~him~~] the person to disseminate such
15 advertisement."

16 SECTION 5. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2024.