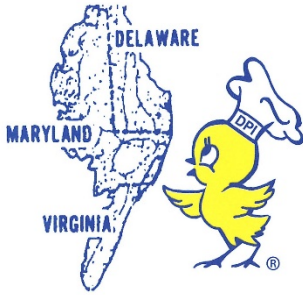


DPI_FAV_SB188

Uploaded by: Porter, Holly

Position: FAV



DELMARVA POULTRY INDUSTRY, INC.

16686 COUNTY SEAT HIGHWAY • GEORGETOWN, DELAWARE 19947-4881

PHONE: 302-856-9037 E-MAIL: dpi@dpichicken.com

www.dpichicken.org

Date: February 6, 2020
To: Members of the Finance Committee
From: Holly Porter, Executive Director
Re: SB 188 – Public Health – Misbranded Food – Meat Products - **Support**

Delmarva Poultry Industry, Inc. (DPI), the 1,700-member trade association representing the meat-chicken growers, processing companies and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware supports SB 188 and urges a favorable committee report.

SB 188 makes it clear that any product that is sold in Maryland and labeled as meat would not be derived from cultured cells or plant or insects. This would include poultry as well.

While DPI would prefer for consumer labeling to be developed at the federal level so to reduce a patchwork of laws across various states that our company processors may market in, we also recognize the importance of clarity and transparency to consumers. And we want to protect the work that our growers and chicken companies do in providing a safe and healthy meat product.

We urge a favorable vote on SB 188.

Should you have any additional questions, please feel free to contact me at porter@dpichicken.com or 302-222-4069 or Nick Manis, Manis Canning & Associates, 410-263-7882.

Dr.ScottB_FAV_ SB0188

Uploaded by: Senator Gallion, Senator Gallion

Position: FAV



Maryland Cattlemen's Association, Inc.

"The Voice of the Maryland Cattle Industry"

January 22, 2020

TO: The Honorable Jason Gallion, co-sponsors, and members-Senate Finance Committee

RE: **Senate Bill 0188**; Public Health - Misbranded Food - Meat Products

Position: Support

"Providing that a food is misbranded if it is offered for sale in the State with a label that identifies the product as a meat or a meat product and the product contains animal tissue cultured from animal cells outside the animal from which the tissue is derived or is made from plants or insects."

Comments Regarding labeling, branding, and marketing of meat alternatives:

Today there are more protein choices for consumers than ever before. In addition to the popular animal proteins beef, chicken, and pork, newer forms of alternative proteins made from plants, such as soy and peas, (along with the future potential for lab-created protein products) are making their way into the marketplace. While alternative proteins and veggie burgers have existed for decades, some of these newer products have significant financial backing resulting in aggressive marketing and great media fanfare with little consumer attention paid to the specific ingredients, nutrient profiles, or other label information.

It is the firm position of the Maryland Cattlemen's Association, representing cattle producers and farm families from across every county in Maryland, that we **must have a level playing field when it comes to the rules of food marketing, branding, labeling, and production** such that meat alternatives – both current plant-based products and potential future lab-produced products – are properly labeled, branded, marketed, and regulated.

At present, some plant-based and cell-cultured meat advocates, along with certain members of the Maryland General Assembly, have been using false claims specifically about beef, particularly when it comes to the impact of beef production on claims of "climate change", while also grossly misrepresenting beef's important role in the human diet. And, much of what is being put forward as "fact" in relation to "climate change" in the U.S. and Maryland has been discredited by leading scientists both at home and around the world.

Currently, no framework exists for regulating lab-grown products, so we are pushing hard to ensure that the USDA leads the regulatory oversight for labeling and inspection, just like for animal protein products. As government agencies develop this new regulatory structure, our mission is to seek fairness, truth, and transparency for both producers and consumers.

We continue to urge the U.S. Department of Agriculture (USDA) and the Food and Drug Administration (FDA) to work together to enforce existing labeling laws for plant-based protein products so that beef's and meat's nomenclature is protected. The FDA has the power to act against companies that use misleading labels to confuse consumers about the true nature of their product. In addition, more than 25 states across the U.S. have introduced various bills (eight have passed) and several states have passed resolutions designed to protect beef's (and meat and milk's) nomenclature.

Therefore, it is the standing policy of the Maryland Cattlemen's Association to support legislation, both in our state and nationally, that will help ensure a level playing field when it comes to the rules of food marketing, branding, labeling, and production, today and in the future. Hence, we voice our support for SB 0188.

Thank You,

Scott M. Barao

Dr. Scott M. Barao
Executive Vice President

Gallion_FAV_SB0188

Uploaded by: Senator Gallion, Senator Gallion

Position: FAV

JASON C. GALLION
Legislative District 35
Harford and Cecil Counties

Education, Health, and
Environmental Affairs Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 414
Annapolis, Maryland 21401
410-841-3603 · 301-858-3603
800-492-7122 Ext. 3603
Fax 410-841-3115 · 301-858-3115
Jason.Gallion@senate.state.md.us

District Office
64 S. Main Street
Port Deposit, Maryland 21904

February 6th, 2020

The Honorable Dolores Kelley, Chair and Members

Senate Finance Committee

Re: Senate Bill SB 188 – Public Health – Misbranded Food – Meat Products

Position: Support

Madam Chair and Finance Committee Members:

SB 188 is a truth in labeling bill that relates to meat products. If a label identifies the product as a meat or meat product and the product contains animal tissue cultured from animal cells outside the animal from which the tissue is derived or is made from plants or insects it would be considered misbranded.

The Maryland Wholesome Meat Act defines “meat” as the edible part of the muscle of livestock that is skeletal or which is found in the tongue, diaphragm, heart, or esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, nerve, and blood vessels that normally accompany the muscle tissue.

This bill is not intended to ban these products but rather make it clear to consumers that these products are very different when it comes to ingredients and nutrition. In many cases these fake meat products aren't coming from the ground but rather being created in factories and are highly processed.

13 states have introduced and passed similar legislation, in fact the European Union passed a proposal that would prevent non-meat products from bearing labels associated with meat. In addition to plant based fake meat, this legislation would also prevent laboratory grown fake meat from animal cells to be labeled meat.

Thank you for your consideration regarding this proposed legislation.

Regards,

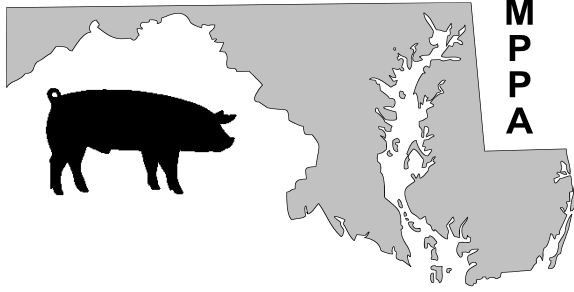
A handwritten signature in blue ink, appearing to read "Jason Gallion".

Senator Jason Gallion

MPPA_FAV_SB188

Uploaded by: Thompson, Lindsay

Position: FAV



Maryland Pork Producers Association

123 Clay Drive, Queenstown, MD 21658

Phone: 443-262-8491

Senate Bill 188 – Public Health - Misbranded Food - Meat Products

February 6, 2020

MPPA Position: SUPPORT

This bill establishes, for purposes of Maryland’s Food, Drug, and Cosmetic Act, that a food is misbranded if it is offered for sale in the State with a label that identifies the product as a meat or a meat product and the product contains animal tissue cultured from animal cells outside the animal or is made from plants or insects.

Meat is defined as “the flesh of an animal consumed as food.” The federal Food Drug, and Cosmetics Act prohibits the manufacture or sale of any food that is adulterated or misbranded. The Maryland Department of Health and Mental Hygiene is responsible for enforcing the FDCA at the state level. The FDCA states that a food is misbranded if its packaging is misleading in any way, is an imitation of any other food, or purports to be a food which by definition, it is not. All of this is to say that food labeled as meat that does not contain the flesh or muscle of an animal is not meat.

The Maryland Pork Producers Association is in no way opposed to the option or sale of plant derived protein. Our concern is the representation of non-meat products as meat which contributes to consumer misinformation and confusion. By way of example, a popular breakfast establishment has begun selling “Beyond Sausage” as a meat option on their breakfast sandwiches. The Beyond Sausage patties contain 23 ingredients including Methylcellulose, Pyridoxine Hydrochloride and Cyanocobalamin. The traditional pork sausage contains ten ingredients including pork, water, and primarily spices such as paprika, turmeric and garlic powder. The plant based proteins also often have higher sodium content. We are not saying there is anything wrong with the plant based sausage option but consumers should not be misled to believe that it is meat and similarly composed as traditional meat options.

Maryland Pork Producers urges a favorable report on Senate Bill 188.

Contact: Lindsay Thompson
Lindsay.mdag@gmail.com

MatthewWeeman_FAV_SB188

Uploaded by: Weeman, Matthew

Position: FAV

Matthew Weeman DVM, MS, PAS-nutrition
Position: Support SB 188

I am writing in support of SB 188 which would make it illegal to misbrand a food product as meat when it is created from a synthetic culture line or other substrates not typically associated with or defined by USDA FSIS.

This bill is consistent with other labeling directives defined by the USDA and serves as a proactive response to a growing, future food product market. It is refreshing to see legislation that attempts to construct a regulatory fabric before consumer issues arise. This bill is important to help protect the public health by ensuring consumers understand what the product they are purchasing is simply by reading the label.

This legislation aligns well with prior requests from the public regarding food clarity. Consumers wish to be informed of food origin, food nutrient information and content. Additionally, consumers have become increasingly more concerned about product labeling to indicate how certain products are differentiated. Consumers who wish to consume meat alternative products should be able to take confidence that the product they are consuming is plant-based or lab cultured by simply looking at the label. The majority of consumers are dis-jointed from the food production setting. It is critical that our regulatory system ensure clarity. Legal labeling definitions are important in creating the clarity consumers desire. Consumers have requested that milk be labeled as rBST free. There is no scientific difference between milk from cows treated with rBST and those that are not. Regardless, consumers requested the label distinction, the USDA created the regulatory framework to provide it and the standard was set; therefore, even if there is no scientifically discernable difference between cultured meat products and those of animal origin it would be contrary to current labeling regulations to make the products indistinguishable through deceptive labeling practices. Consumers who wish to purchase lab cultured meats are likely doing so with purpose and therefore it should be easy for them to identify which products they prefer. For the same reasons, consumers who wish to purchase meat from animal origins should be able to take confidence in knowing they are receiving the product from a natural origin. This law will not limit the consumer choice in the marketplace and actually provides clarity which therefore empowers them to make the choices that most reflect their purchasing desire. Additionally, while it will be possible to culture cells of natural origin, genetic modification is also a tool that could be used to facilitate, amplify or otherwise create efficiency in the lab culturing technique. Consumers have already demonstrated a concern regarding genetic modification, I personally believe this concern is unwarranted yet-it exists. Consumers who are worried about genetic modification of food are going to want to know if the "meat" they are consuming was cultured in a lab-the label should readily inform them.

Furthermore, protein of animal and lab origin alike each require specific food safety regulations as they inevitably present different food safety risks to the consumer. It is important that products, which look identical in the marketplace are accurately labeled to ensure consumers understand how to safely prepare and consume the product, or at least can refer to the appropriate agencies who will provide important safety information on appropriate product handling. The public health risks to consumers who eat animal protein will differ from those choosing lab or plant based proteins. Additionally, from an epidemiological perspective, consumers need to be able to purchase product with informed consent. There is a certain degree of risk that meat from a cow is more likely to contain *E. coli* or *Salmonella* than

meat grown in a lab. However, it is inconceivable that meat grown from a cow could be altered genetically to harm a human who consumes it or to be adulterated during a culturing process by a perpetrator of bioterrorism. The latter will be a future risk for lab produced meat products. The federal government needs to protect citizens from such risks, unfortunately federal oversight often lags need. The state of Maryland has demonstrated a desire to preemptively strengthen or clarify other federal statutes and this should be no exception. The Maryland state legislature has a responsibility to protect consumers from these risks. It is conceivable that consumers who are already confused about where their food comes from will be even more confused when there are seemingly identical products coming from various different production mechanisms. To provide clarity, labels need to be accurate- SB 188 puts accuracy of food labels at the forefront. When food safety issues do arise, it is important that regulatory agencies can accurately identify and traceback the origin of the product. It is important that a state legislature work proactively to protect the health of the public and therefore, I recommend a vote of approval on SB 188.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Weeman". The signature is written in a cursive, somewhat stylized font.

Dr. Matthew Weeman

MarylandFarmBureau_FAV_SB188

Uploaded by: Welch, Parker

Position: FAV



Maryland Farm Bureau, Inc.

3358 Davidsonville Road • Davidsonville, MD 21035 • (410) 922-3426

February 6, 2020

To: Senate Finance Committee

From: Maryland Farm Bureau, Inc.

Re: Support of SB188 – Public Health – Misbranded Food – Meat Products

On behalf of our member families, I submit this written testimony in support of SB188. This is legislation that would provide clarity in standards of identity of meat by providing that a food is misbranded if it is offered for sale in the State with a label that identifies the product as a meat or meat product but is derived from animal tissue cultured from animal cells outside the animal, plants or insects.

The motive behind this bill is to provide transparency to food labeling and combat consumer confusion. Whether you're purchasing a plant-based product or a meat product, labeling should be clear and distinguish the contents of one package from the other. The beef community has worked for decades to establish beef's strong reputation among consumers, therefore creating a desire for imitation products to closely label and market their products in the same fashion. This bill would give them factual information they need to make their own purchasing decisions confidently.

SB188 would also position Maryland ahead of the game in regards to the labeling and enforcement of cell-based meat, as it stands to hold a position in the marketplace in the near future. It is important that if a product looks identical to meat it is labeled appropriately so consumers know there is a potential composition difference.

MARYLAND FARM BUREAU SUPPORTS SB188 AND ENCOURAGES A FAVORABLE REPORT.

A handwritten signature in black ink, appearing to read 'Colby Ferguson'.

Colby Ferguson
Director of Government Relations

EverLasting Life_Unfav_ SB 188-2-6-2020

Uploaded by: BARUK, DR

Position: UNF



SB-188
Finance Committee
Public Health - Misbranded Food - Meat Products
Thursday, Feb. 6 @ 1pm
Position: UNFAVORABLE

Good afternoon Chair, Vice Chair and members of the Senate Finance Committee, by name is Dr. Baruk Brenda Sanders and I am the owner Everlasting Life for over 15 years. Everlasting life is a plant-based restaurant, lounge and catering company in Capital Heights. We specialize in plant-based soul food and I host the Elife Radio Show where I engage thousands of my customers from all around Maryland on plant-based health topics to assist my customer with better health.

As am impacted business owner, SB -188 would affect my company in the following ways:

1. I would be limited in labeling my veggie soul food in culturally relevant ways to attract my African-American customer base who want veggie food that is similar to the food they love;
2. I would have to absorb the cost for the additional training costs to train my staff to ensure that my staff do not go to jail for a violation or cause me to be fined thousands of dollars as a small business; and
3. I would not be free to refer to my food on my radio show in a way that is relevant to my audience. SB -188 amounts to censorship of free speech.
4. Me and my team would constantly work in fear that if we mess up can label one of our great veggie foods wrong, we could go to jail. We already are subject to regular sanitation inspections and now we would have to constantly worry about indiscriminate arrests or fines because the bill language is vague regarding what is "meat".
5. SB-188 presumes that my community is ignorant and does not know the difference between animal food and plant-based food.
6. SB – 188 also allows the supremacy of the needs of animal farmers over the needs of communities of color who need to be encouraged to eat the plant-based foods from their mother country without fear.

Black plant-based restaurant owners should not have to operate under these types of onerous requirements that strip us of our dignity and force us to accommodate the businesses of other communities that do not work and serve the needs of my communities.

Therefore, I respectfully requests that SB-188 receive an unfavorable report.

Dr. Baruk
Owner
Elifeeducation@gmail.com



LATE - PlantBasedFoodsAssoc_UNF_SB188

Uploaded by: Colegrove, Dan

Position: UNF

TESTIMONY OF DAN COLEGROVE ON BEHALF OF
THE PLANT BASED FOODS ASSOCIATION
BEFORE THE MARYLAND SENATE FINANCE COMMITTEE

FEBRUARY 6, 2020

MADAM CHAIR AND MEMBERS:

I AM DAN COLEGROVE HERE ON BEHALF OF THE PLANT BASED FOODS ASSOCIATION. PBFA MUST RESPECTFULLY OPPOSE SB 188 AS CURRENTLY DRAFTED.

PBFA WAS FOUNDED IN 2016 TO REPRESENT THE INTERESTS OF COMPANIES PRODUCING PLANT BASED MEAT AND DAIRY ALTERNATIVES. TODAY THE ASSOCIATION HAS GROWN TO OVER 160 MEMBER COMPANIES, RANGING FROM SMALL START-UP FOOD COMPANIES TO ESTABLISHED BRANDS TO INGREDIENT SUPPLIERS. MANY OF OUR MEMBERS MAKE AND SELL MEAT ALTERNATIVES USING AMERICAN-GROWN AGRICULTURAL COMMODITIES.

PBFA IS OPPOSED TO THIS BILL BECAUSE WE BELIEVE THAT IT IS A SOLUTION IN SEARCH OF A PROBLEM. WE ARE FULLY COMMITTED TO ENSURING THAT CONSUMERS ARE FULLY INFORMED, THAT IS WHY WE HAVE ESTABLISHED INDUSTRY GUIDANCE FOR THE LABELING OF PLANT-BASED MEAT ALTERNATIVES. THE STANDARDS ALLOW FOR REFERENCES TO THE TYPE OF ANIMAL MEAT (I.E. "MEAT," "CHICKEN," "HAMBURGER," ETC.) AND THE FORM OF THE PRODUCT (I.E. "NUGGETS," "BURGER," ETC.) ALONG WITH A QUALIFIER THAT CLEARLY INDICATES THAT THE FOOD IS PLANT BASED OR VEGETARIAN. THESE QUALIFIERS INCLUDE: "PLANT BASED," "MEATLESS," "MEAT-FREE," "VEGETARIAN," AND "VEGGIE".

PBFA DEVELOPED THESE STANDARDS TO PROMOTE CONSISTENCY IN LABELING BECAUSE WE WANT SHOPPERS IN MARYLAND AND ACROSS THE U.S. TO BE CLEAR ABOUT WHAT THEY ARE BUYING. WE BELIEVE THAT THIS APPROACH ENSURES AN OPEN AND COMPETITIVE MARKETPLACE WITHOUT THE NEED FOR GOVERNMENT INTERVENTION.

IF PASSED, SB 188 WOULD HAVE THE EFFECT OF SETTING MARYLAND APART FROM THE REST OF THE UNITED STATES WHEN IT COMES TO HOW THESE PRODUCTS ARE PRESENTED TO CONSUMERS.

MOREOVER, ENACTMENT WOULD RAISE SIGNIFICANT LEGAL CONCERNS. OUR MEMBERS' LABELS ARE IN FULL COMPLIANCE WITH CURRENT FEDERAL REGULATIONS.

AS SUCH, ATTEMPTS TO IMPOSE NEW RESTRICTIONS RUN AFOUL OF FIRST AMENDMENT PROTECTIONS ALLOWING COMPANIES TO LABEL THEIR FOODS WITH CLEAR, NON-MISLEADING TERMS.

USE OF TERMS SUCH AS "MEAT" OR "BURGER" BY PLANT-BASED FOOD COMPANIES IS NOT MEANT TO DIMINISH THE VALUE OF PRODUCTS PRODUCED BY MARYLAND RANCHERS.

PBFA AND ITS MEMBERS DON'T BELIEVE THAT GOVERNMENTS SHOULD BE IN THE POSITION OF CHOOSING ONE INDUSTRY OVER ANOTHER. THERE IS ROOM IN THE MARKET FOR ALL OF US.

FOR THESE REASONS AND OTHERS, WE MUST OPPOSE SB 188.

THANK YOU, I'M HAPPY TO ANSWER ANY QUESTIONS.

Good Food Institute_UNF_SB 188

Uploaded by: Hennessee, Emily

Position: UNF



Written Testimony in Opposition of Senate Bill 188

Name: Emily Hennessee

Organization: The Good Food Institute

Bill: Senate Bill 188

Position: Opposed

Dear Members of the Senate Finance Committee:

The Good Food Institute is a 501(c)(3) nonprofit organization that works with scientists, businesses, and policymakers to harness the power of food innovation and markets to create a sustainable, healthy, and just food system.

We are writing to urge you to oppose Senate Bill 188, which would censor the labels of plant-based and cultivated products by barring them from using meat terms. No one is confused by veggie burgers or plant-based bacon. Instead of doing anything to benefit consumers, this bill would add unlawful and unnecessary requirements to food labels already subject to federal regulation, confuse consumers, endanger people with allergies, and violate the First Amendment right to free speech.

First, plant-based and cultivated food labels are already subject to federal law, which prohibits misbranding. The Food and Drug Administration (FDA) has authority over plant-based food labels and prohibits mislabeling. To be clear, cultivated meat is not yet on the market, but when it is, the United States Department of Agriculture (USDA) will require premarket approval of labels and will inspect them to ensure they meet its standards.¹ This means that S.B. 188 is completely unnecessary, creating burdensome red tape for innovative companies and putting Maryland at odds with FDA and USDA's clear authority on this issue.²

Second, S.B. 188 would confuse consumers by requiring plant-based producers to do linguistic gymnastics on food labels. Banning the kind of commonsense labels that are already on store shelves would interfere with the free market and be unfair to consumers.

¹ See Formal Agreement Between FDA and USDA Office of Food Safety, 3 (Mar. 7, 2019), <https://bit.ly/2EVzaEZ>.

² Not only are additional state restrictions unnecessary for plant-based and cultivated foods, but they would be preempted by the Food Drug and Cosmetic Act, Federal Meat Inspection Act, and the Poultry Products Inspection Act. 21 U.S.C. § 343-1 (“no state...may directly or indirectly establish under any authority...any requirement for the labeling of food of the type required by § 343(b), 343(d), 343(f), 343(h), 343(i)(1), or 343(k) of [the Food Drug and Cosmetic Act] that is not identical to the requirement of such section.”); *id.* § 678 (“Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this chapter [of the Federal Meat Inspection Act] may not be imposed by any State”); *id.* § 467(e) (“Marking, labeling, packaging, or ingredient requirements ... in addition to, or different than those made under this chapter [of the Poultry Products Inspection Act] may not be imposed by any State”).



Additionally, S.B. 188 would prevent the labels of cultivated meat — which is real animal meat at the level of DNA³ — from using meat terms, thereby endangering consumers and exposing sellers to liability. Consumers with red meat allergies need to know to avoid cultivated meat, because consuming it would cause potentially fatal allergic reactions to cultivated meat.⁴ Banning meat terms from these labels is downright dangerous.

Finally, S.B. 188 violates the right to free speech, which can only be curtailed in the commercial context to further a compelling government interest. Similar laws in Missouri and Arkansas are currently in litigation on the grounds that they violate the First Amendment by preventing clear and accurate labeling of plant-based meat products. In December 2019, a federal court issued a preliminary injunction preventing enforcement of Arkansas' label censorship law — which sought to limit usage of meat terms on plant-based food labels — because it likely violates the First Amendment.⁵ Maryland's legislature should not put the state in the position where it needs to decide whether to use taxpayers' money to defend a law that raises significant constitutional issues.⁶

There is no compelling reason for this legislation, given that plant-based meat producers have every incentive to tell consumers how their products are made because the fact that they are plant-based is central to their value proposition. And cultivated meat is not sold in Maryland or anywhere else.

We respectfully urge you to vote against unnecessary, unsafe, and unconstitutional government overreach. Please oppose S.B. 188. Thank you for your consideration and attention to this matter.

Sincerely,

Emily Hennessee
Policy Coordinator
The Good Food Institute
emilyh@gfi.org

³ Cultivated meat is produced by taking cells from an animal, growing them in a cultivator and harvesting the meat for consumption.

⁴ Reported incidences of meat allergies have been increasing over the last several years. Am. Coll. of Allergy, Asthma & Immunology, *Meat Allergy*, <https://bit.ly/2kEkwa7> (last updated May 8, 2019). Red meat allergies in particular are on the rise in the southern, eastern, and central United States due to the increasing population of Lone Star ticks, whose bite can result in an allergy to red meat, potentially causing life-threatening anaphylaxis. *See generally Red meat allergy transmitted by lone star ticks on the rise*, CBS News (July 5, 2018), <https://cbsn.ws/2X2eeCw>; *see also* Steinke et al., *The alpha gal story: Lessons learned from connecting the dots*, 135 J. Allergy & Clinical Immunology 589 (Mar. 2015), <https://bit.ly/2rBlpCm>.

⁵ *Turtle Island Foods v. Soman, Preliminary Injunction Order*, Dkt. No. 25, 19-cv-514-KGB (E.D. Ark., Dec. 11, 2019), <https://www.aclu.org/legal-document/turtle-island-foods-v-soman-preliminary-injunction-order>.

⁶ *See generally* Nick Sibilla, *FDA Crackdown On Calling Almond Milk 'Milk' Could Violate The First Amendment*, Forbes (Jan. 31, 2019), <https://bit.ly/2v4s8bc>.

MPAC_Unfav_flyer - SB-188-v2

Uploaded by: SAINTGEORGE, JO

Position: UNF

Call The MD State Finance Committee! VOTE NO ON SB -188

It Can Put Black Vegan Restaurant Owners
In Jail for Selling Food Labeled as a "Veggie Meat"

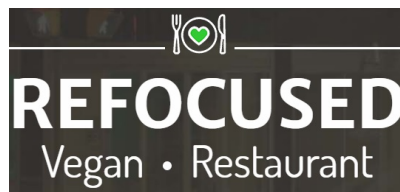


NAACP

Gangster Vegan Organics



Uniting the voices of Maryland's Plant-based food lovers for healthy & sustainable living & to achieve "Food Justice" for those who do not have access or means to obtain healthy plant-based food!



Individuals

- Dr. Milton Mills, MD
- Dr. Amara Nwanpah, MD
- Dr. Theodore Watkins, MD
- Dr. Columbus Baptiste, MD



Sell a product labeled Veggie “Chicken Burger” + Go To Jail



SB 188 – Criminalizes the labeling of Food as a “Veggie Meat” for up to 1 year of prison & up to a \$10K fine

According to the 2018 Maryland Correction Enterprises (MCE) annual report, food services is one of the top work skills taught to inmates. If SB 188 is passed, returned citizens would be banned from using their skills to sell plant-based food labeled as “veggie chicken” without the threat of going back to jail.

MARYLAND TAXPAYERS SPEND \$288M ON CORRECTIONS IN BALTIMORE



As of 2018, African-Americans make up 70% of Maryland’s prison population but only 34% of the entire Maryland population. Most of the incarcerations resulted from the sale of illegal substances. SB 188 threatens re-incarceration of African-Americans for the sale of “legal plant-based foods” that scientific studies have shown can help to reverse chronic diseases in communities of color.

Why SB 188 – The “Misbranded Food Labeling Bill” Could Lead To the Mass Incarceration of Minority Plant-Based Food Sellers

MARYLAND PLANT BASE ADVOCATES COALITION

SB 188 amends [Section 21-210 of the Health-General article of the Annotated Code of Maryland](#) by adding that a “food” is misbranded if “it is offered for sale in the state with a label that identifies the product as a meat or meat product and the product: (I) contains animal tissue cultured from animal cells outside the animal from which the tissue is derived; or (II) is made from plants or insects.” [Section 21-256\(1\) prohibits](#) a person from “manufactur[ing] or sell[ing] any food, drug, device, or cosmetic that is ... misbranded.”

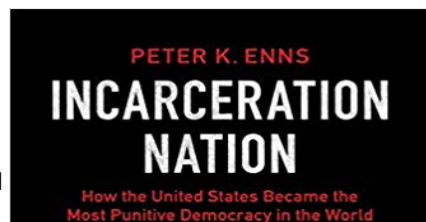
Because there are no specific penalties prescribed in SB 188, therefore penalties in [Section 21-1215](#) apply. Section 21-1215 prescribes both criminal & civil penalties for violating Subtitle 2 (the Maryland Food, Drug, and Cosmetic Act) of Title 21, which includes Section 21-210.

Section 21-1215(b) states that “a person who violates [Subtitle 2] ... is guilty of: a **misdemeanor** and on conviction is subject to: (1) a fine not exceeding \$10,000 or **imprisonment not exceeding 1 year, or both**; or

(2) if the person has been convicted once of violating Subtitle 2 of this title, a fine not exceeding \$25,000 or **imprisonment** not exceeding 3 years or both.”

This means that criminal penalties could exceed \$50K in less than 1 week for first-time violations and could exceed \$100,000 in 4 days if already previously convicted of violating SB 188. SB 188 threatens violators with the most **severe penalties** out of all the label censorship bills in the U.S.

Maryland studies have shown that African-Americans are more likely to go to jail for misdemeanors due to an inability to pay fines.



How SB 188 Could Be

The New Jim Crow

In Baltimore



- According to Happy Cow - one of the oldest online directories for locating vegan/vegetarian or veg friend restaurants, in 2019 there were over 24,000 [veg-friendly eateries in U.S.](#), including 1,474 exclusively vegan restaurants.
- Baltimore ranked #34 in the Matador rankings of “The 50 best US cities for vegans and vegetarians”
- Happy Cow lists 10 vegan restaurants in Baltimore and 15 vegetarian eaters and over 50% of the restaurants are African-American owned.

- Most of the African-American owned vegan restaurants sell cultural “soul food” labeled Veggie chicken, Veggie sausage, Vegan crab cake – to also address the health problems in communities of color. Instead these sellers could go to jail.

<https://matadornetwork.com/read/best-us-cities-vegans-vegetarians/>

The fastest-growing vegan demographic is African Americans. Wu-Tang Clan and other hip-hop acts paved the way.

Despite the rise of plant-based meat and “Veganuary,” only 3 percent of Americans

(Washington Post illustration/iStock)



By **Laura Reiley**

Jan. 24, 2020 at 6:30 a.m. EST

MPAC_Unfav_SB 188-2-6-2020

Uploaded by: SAINTGEORGE, JO

Position: UNF



SB-188
Finance Committee
Public Health - Misbranded Food - Meat Products
Thursday, Feb. 6 @ 1pm
Position: UNFAVORABLE

Chair, Vice Chair and members of the Senate Finance Committee, the Maryland Plant-Based Advocates Coalition (MPAC) is made up of individuals, businesses, trade organizations, educational institutions, non-profit social justice organizations and lawyers in Maryland and around the country who advocate for improving the physical and mental health and environmental well-being of Maryland residents, particularly Maryland's vulnerable and communities of color through the increased consumption of and access to plant-based foods that are predominately minimally processed.

The Maryland Department of Health has reported year after year that heart disease is the #1 cause of death of Maryland Residents and Maryland now spends approximately \$6 billion a year on diabetes and prediabetes care. The Maryland Office of Minority Health and Health Disparities in its Disparities report of 2018 report, indicated that minority health and minority health disparities are critical issues for the overall health of Maryland, and that infant mortality, asthma, and diabetes / prediabetes disproportionately impact minorities in Maryland.¹ However, a plethora of research continues to show that the adoption of plant-based diet reduces the risk of many forms of cancers, and in many instances reverses heart disease, type 2 diabetes, many digestive diseases."² Regretfully, for many Maryland minority residents who live in food deserts, access to plant-based foods, or healthy food in general is almost impossible.

Consequently, the MPAC coalition exists to address this lack of access to plant-based foods. Many of the MPAC coalition members are plant-based restaurants and plant-based manufacturers that came into existence to assist Minority communities with the reversal of chronic disease. However, never during this 21st Century has there been such a rapid growth of African-Americans adopting a plant-based dietary lifestyle as there has been in 2019. The Washington Post reported on January 24, 2020 that African-Americans are the fastest growing demographic to adopt plant-based eating. Baltimore ranks #34 as the most vegan friendly city. And, there are now over 9 African-American Plant-based restaurants in Baltimore City alone. As reported by the Washington Post, this phenomena is evidence of communities of color seeking ways to improve their health in the midst of rising health care cost, and documented evidence that communities of color receive poor health care delivery by healthcare providers due to racial bias that exist in Maryland health care facilities.

¹ Maryland Office of Minority Health & Health Disparities - <https://health.maryland.gov/mhhd/Documents/2018%20Minority%20Health%20and%20Health%20Disparities%20Annual%20Report%20.pdf>

² See Physicians Committee on Responsible Medicine - <https://www.pcrm.org/health-topics>



MPAC, however, is here today, because we are deeply concerned about the unintended consequences of SB -188. While we recognize that the goal of the bill is to somehow to protect consumers from mislabeled food, the bill is extremely short sighted and will disproportionately impact Black and Brown Maryland businesses who seek to solve the health crisis in their communities. It is obvious this bill was not analyzed through a racial equity lens. While not intended, this bill:

1. criminalizes the sale of food labeled “veggie meat” like veggie chicken, or veggie crab cakes, for up to 1 year and or a fine up to \$10K. This type of sanction on speech appears to be a direct attack on the growing African-American plant-based community for the following reasons:
2. The plant-based food industry for at least 50 years have labeled plant-based food with the terms “veggie chicken” or “veggie beef”. The Seventh-Day Adventist Church, which is the true pioneers in the U.S of the manufacture of plant-based foods as early as the late 1900s have sold food labeled “veggie chicken” etc. and their has never been a censure law like SB-188 that criminalizes the use of the words “veggie meats”.
3. Yet, when national reports now indicate that African-Americans are in record numbers turning to plant-based food and over 9 African-American owned restaurants have started in Baltimore in the last 5-6 years, we now have legislators seeking to restrict and criminalize the labeling of plant-based food by restaurant owners and manufacturers.
4. This bill comes after big stars like Beyoncé and Jay-Z and other rappers have influenced minority communities to eat plant-based foods, that this super restrictive proposed bill has come into existence.
5. Moreover, this bill seeks to prevent the free description of food in a racially culturally relevant way. When slaves where brought from West Africa, the predominate food until today was always plant-based – Africans were plant-based farmers and subsisted on little animal food. It wasn’t until Black slaves were brought to American and force to eat a diet that was the scraps of pigs, beef and chicken that we turned that scraps into “Soul Food” that has for decades contributed to the poor health of Black people. Now that Blacks seek to return to the plant-based food of their mother land and reduce their consumption of animal foods, but label the food with the culturally relevant “soul food” names like veggie soul chicken, we now have such punitive laws that threaten imprisonment.
6. This bill is a “Jim Crow” type bill that uses fear tactics of threatened imprison to control the words of Black Folk who seek to improve their health of their community but in a culturally relevant way. No plant-based food seller should operate in fear or terror of going to jail for marketing their food in a way that is understandable to their community.
7. Our legislators know full well that any criminal penalties levied for any infraction will always be asserted disproportionately against Black and Brown folk in Maryland. African-



- American's make up approx. 34% of Maryland's population but 70% of the prison population.
8. The majority of the prison population has been incarcerated for selling illegal substances, but now that African-American seek sell legal plant-based food that can improve the health of their community, our legislators want us to go to jail for selling good food.
 9. It is known fact that Whole Foods or Roots Market will not go to jail for a violations, but based on the Maryland arrest statistics, our 9 African-American restaurant owners could very well go to jail for a violation.
 10. Finally, while the goal of property identification of food is noble, the law makes no sense because Black people know the difference between animal food and plant-based food. This bill presumes on the ignorance of Black Folk.
 11. In addition, if the concern is truly about protecting consumers with "honest" labeling, then Cheese should be labeled for what it really is. Cheese should be labeled as nothing but moldy dairy fluids. Rather this bill would allow the deceptive labeling of a moldy food but criminalize the culturally relevant labeling of plant-based food. So, the goal of the bill appears very disingenuous.
 12. Finally, MPAC believes that there is a bigger labeling issue regarding all food in our Black and Brown food deserts where most of what is "called" food and really "not" food at all. MPAC would rather this committee focus on dealing with the bigger issue of fake food coming into Black and Brown communities as food, when it really is not.

Therefore, the only mission of SB-188 is to protect the financial interest of the animal farm industry from lost profits from the reduced consumption of animal food by African-Americans (who have historically been the biggest consumers of chick in this state). Just like the cattle industry sued Oprah Winfrey for 4 years costing her almost \$3 million in litigation cost for her simply stating that she quit eating beef cold, this bill would subject all those who sell plant-based foods who violate this bill to the same level of onerous civil litigation for a violation. Who would have thought that Oprah would have ben sued for saying those three words, but it happened and nothing would stop the animal farm industry from using the courts to terrorize black and brown plant-based food sellers in the same way. There is nothing that can make this bill good. Rather than passing legislation that would improve the health Maryland residents and reduce health care cost, this bill would strengthen the supremacy of the animal farm industry to crush the desires of Black folk who just want to live healthy.

While we understand something should be done to help industry when it faces a slow-down that could impact jobs and the financial stability of the economy. However, no financial safety net should prevent residents from pursuing better health and small businesses from doing business to

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meet the cultural needs of their community. MPAC would support legislation that would assist businesses with pivots in the industry, but those decision must include and respect the needs of Maryland's most vulnerable communities of color that are always an after thought when legislation is submitted.

Therefore, MPAC respectfully requests that SB-188 receive an unfavorable report.

Therefore, MPAC asks for a favorable report on HB -3 which would restrict the sale of addictive flavored cigarettes.

Greener Kitchen_Unfav_ SB 188-2-6-2020

Uploaded by: SANDERS, BRENDA

Position: UNF

Brenda Sanders
Owner
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SB-188
Finance Committee
Public Health - Misbranded Food - Meat Products
Thursday, Feb. 6 @ 1pm
Position: UNFAVORABLE

Good afternoon Chair, Vice Chair and members of the Senate Finance Committee, by name is Brenda Sanders and I am the owner of The Greener Kitchen, a plant-based restaurant and catering service in Baltimore Maryland. We specialize in plant-based soul food and we are the co-host of the Baltimore annual "Veggie Soul Fest" that attracts thousands of attendees who come to be educated in plant-based culinary cuisine and health education.

As am impacted business owner, SB -188 would affect my company in the following ways:

1. I would be limited in labeling my veggie soul food in culturally relevant ways to attract my African-American customer base who want veggie food that is similar to the food they love;
2. I would have to absorb the cost for the additional training costs to train my staff to ensure that my staff do not go to jail for a violation or cause me to be fined thousands of dollars as a small business; and
3. Our Veggie Soul Fest would be transformed from a culturally relevant event for people of color, where they can eat plant-based food that they recognize, to an event with food names that have nothing to do with our rich history and Black culture that we celebrate despite the vestiges of slavery embedded in our Soul Food.
4. Me and my team would constantly work in fear that if we mess up can label one of our great veggie foods wrong, we could go to jail. We already are subject to regular sanitation inspections and now we would have to constantly worry about indiscriminate arrests or fines because the bill language is vague regarding what is "meat".

Black plant-based restaurant owners should not have to operate under these types of onerous requirements that strip us of our dignity and force us to accommodate the businesses of other communities that do not work and serve the needs of our Baltimore communities.

Therefore, I respectfully requests that SB-188 receive an unfavorable report.

MDDeptofHealth_INFO_SB0188

Uploaded by: Ye, Webster

Position: INFO



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

February 6, 2020

The Honorable Delores G. Kelley
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 188 – “Public Health - Misbranded Food - Meat Products” – Letter of Information

Dear Chair Kelley:

The Maryland Department of Health (the “Department”) is submitting this letter of information for Senate Bill 188 - Public Health - Misbranded Food - Meat Products. This bill would define a food as misbranded if it is offered for sale in the State and labeled as a meat or meat product and the product: (I) contains animal tissue grown from a culture or (II) is made from plants or insects.

The U.S. Food and Drug Administration (FDA) regulates the interstate sale of foods, including the establishment of food labeling and branding requirements. SB 188 may lead to regulatory confusion for manufacturers, distributors, and retailers of plant-based products in Maryland who would be subject to two different standards set by the FDA and SB 188. This could significantly disadvantage Maryland businesses and producers compared to firms in other states that are not subject to such restrictions.

The Department also notes that the FDA held a public meeting in September 2019 to discuss the FDA’s efforts to modernize food standards of identity, including the application of terms such as “jerky,” “burger,” “sausage,” and other words to describe plant-based products.¹ The Department recommends waiting for FDA guidance. Absent a clear change in federal law or policy, SB 188 would be difficult to enforce for products coming into the State and could potentially disrupt interstate commerce.

¹ U.S. Food and Drug Administration (2019). Public Meeting on Horizontal Approaches to Food Standards of Identity Modernization. Accessed 31 January 31, 2020 at <<https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/public-meeting-horizontal-approaches-food-standards-identity-modernization-09272019-09272019>>.

Finally, the Department notes that many of the products that would be affected by this bill already have prominent descriptions on the label that advertise the product as “vegetarian,” “vegan,” “plant-based,” or “meat free.” These identifiers are in addition to the required list of ingredients.

This bill has a fiscal impact on the Department. Additional full-time staff would be required to develop an enforcement plan, perform inspections, and investigate complaints related to the enforcement of the labeling requirements in this bill. In addition, the Department would need to conduct an outreach campaign to notify manufacturers and distributors in Maryland regarding the new labeling requirements. I hope this information is useful. If you would like to discuss this further, please contact Director of Governmental Affairs Webster Ye at (410) 260-3190 or webster.ye@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert R. Neall", with a long horizontal flourish extending to the right.

Robert R. Neall

Secretary