

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

House Bill 4462

By Delegates Heckert, Mallow, Clay, Amos, Browning,

Hillenbrand, B. Smith, Chiarelli, Stephens, and

Drennan

[Introduced January 16, 2026; referred to the

Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding a new section,
2 designated §19-2B-10a; and to amend and reenact §19-39-1 and §19-2B-2, ~~all~~ relating to
3 banning the sale of cell-cultured products for human consumption; removing definitions
4 and labeling requirements; and correcting numbering.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2B. INSPECTION OF MEAT AND POULTRY.

§19-2B-10a. Prohibition on cell-cultured products.

1 (a) "Cell-cultured product" means a food product derived by harvesting animal cells and
2 artificially or chemically replicating those cells in a growth medium in a laboratory to produce tissue
3 to approximate the texture, flavor, appearance, or other aesthetic qualities or the chemical
4 characteristics of any specific type of egg, egg product, fish, fishery product, meat, meat food
5 product, poultry, or poultry product.

6 (b) A person may not offer for sale or sell a cell-cultured product for human consumption.

ARTICLE 39. TRUTH IN FOOD PRODUCT LABELING ACT.

§19-39-1. Definitions.

1 For purposes of this article:

2 (4) "Analogue product" means a food product derived by combining processed plant
3 products, insects, or fungus with food additives to approximate the texture, flavor, appearance, or
4 other aesthetic qualities or the chemical characteristics of any specific type of egg, egg product,
5 fish, fishery product, meat, meat food product, poultry, or poultry product.

6 ~~(2) "Cell-cultured product" means a food product derived by harvesting animal cells and~~
7 ~~artificially or chemically replicating those cells in a growth medium in a laboratory to produce tissue~~
8 ~~to approximate the texture, flavor, appearance, or other aesthetic qualities or the chemical~~
9 ~~characteristics of any specific type of egg, egg product, fish, fishery product, meat, meat food~~
10 ~~product, poultry, or poultry product.~~

~~(3)~~ "Egg" has the meaning assigned by 21 U.S.C. §1033(g) and by §19-10A-2(i) of this code. The term does not include an analogue product or a cell-cultured product.

~~(4)~~ "Egg product" has the meaning assigned by 21 U.S.C. §1033(f). The term does not include an analogue product or a cell-cultured product.

~~(5)~~ "Fish" has the meaning assigned by 21 C.F.R. §123.3 and by §19-29-2(a) of this code. The term does not include an analogue product or a cell-cultured product.

~~(6)~~ "Fishery product" has the meaning assigned by 21 C.F.R. §123.3. The term does not include an analogue product or a cell-cultured product.

~~(7)~~ "Food" means any egg, egg product, fish, fishery product, meat, meat food product, poultry, or poultry product, but does not include any analogue product or cell-cultured product.

~~(8)~~ "Food product" means any analogue product or cell-cultured product, but does not include any egg, egg product, fish, fishery product, meat, meat product, poultry, or poultry product.

~~(8)~~ "Meat" has the meaning assigned by 9 C.F.R. §301.2 and by §19-29-2(d) of this code. The term does not include an analogue product or a cell-cultured product.

~~(9)~~ "Meat food product" has the meaning assigned by 21 U.S.C. §601(j). The term does not include an analogue product or a cell-cultured product.

~~(10)~~ "Poultry" has the meaning assigned by 21 U.S.C. §453(e). The term does not include an analogue product or a cell-cultured product.

~~(11)~~ "Poultry product" has the meaning assigned by 21 U.S.C. §453(f). The term does not include an analogue product or a cell-cultured product.

§19-39-2. Misbranded food.

(a) A food product is misbranded:

(1) If its labeling is false or misleading in any manner, or fails to otherwise conform with the requirements of this article;

(2) If, in the case of a food product to which 21 U.S.C. §343 applies, its advertising is false or misleading in a material respect or its labeling is in violation of 21 U.S.C. §343;

- 6 ~~(2)~~ (3) If it is offered for sale under the name of a food;
- 7 ~~(3)~~ (4) If it is an imitation of a food, unless its label bears, in prominent type, the word
- 8 "imitation" and immediately before or after the name of the food imitated;
- 9 ~~(4)~~ (5) If it is an analogue product, unless its label bears in prominent type immediately
- 10 before or after the name of the product one of the following:
- 11 (A) "Analogue";
- 12 (B) "Meatless";
- 13 (C) "Plant-based";
- 14 (D) "Made from plants"; or
- 15 (E) A similar, accurate qualifying term or disclaimer intended to clearly communicate to a
- 16 consumer the contents of the product;
- 17 ~~(5) If it is a cell cultured product, unless its label bears in prominent type immediately~~
- 18 ~~before or after the name of the product using one of the following:~~
- 19 ~~(A) "Cell-cultured";~~
- 20 ~~(B) "Lab-grown"; or~~
- 21 ~~(C) A similar, accurate qualifying term or disclaimer intended to clearly communicate to a~~
- 22 ~~consumer the contents of the product;~~
- 23 (6) If its container is made, formed, or filled in a manner that is misleading;
- 24 (7) If in package form, unless it bears a label containing:
- 25 (A) The name and place of business of the manufacturer, packer, or distributor; and
- 26 (B) An accurate statement, located on the principal display panel of the label, of the
- 27 quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under this
- 28 subsection, reasonable variations may be permitted and exemptions as to small packages may be
- 29 established by rule;
- 30 (8) If any word, statement, or other information required by or under the authority of this
- 31 chapter to appear on the label or labeling is not prominently placed on the label or labeling with

such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(9) If it purports to be or is represented as a food or food product for which a definition and standard of identity has been prescribed by federal law or as otherwise provided by this chapter, unless:

(A) It conforms to such definition and standard; and

(B) Its label bears the name of the food or food product specified in the definition and standard, and, in so far as may be required by those regulations or rules, the common names of ingredients, other than spices, flavoring, and coloring, present in such food or food product;

(10) If it purports to be or is represented as:

(A) A food or food product for which a standard of quality has been prescribed by federal regulations or department rules as provided under this chapter, and its quality falls below such standard unless its label bears, in such manner and form as those regulations or rules specify, a statement that it falls below such standard; or

(B) A food or food product for which a standard or standards of fill of container have been prescribed by federal regulations or department rules, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as those regulations or rules specify, a statement that it falls below such standard;

(11) Unless its label bears:

(A) The common or usual name of the food product, if any; and

(B) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient, and if the food product purports to be a beverage containing vegetable or fruit juice, a statement with appropriate prominence on the information panel of the total percentage of the fruit or vegetable juice contained in the food; except that spices, flavorings, and colors not required to be certified under 21 U.S.C. §379e, other than those sold as such, may be

58 designated as spices, flavorings, and colors, without naming each: *Provided*, That to the extent
59 that compliance with the requirements of this paragraph is impractical or results in deception or
60 unfair competition, exemptions shall be established by department rules;

61 (12) If it purports to be or is represented for special dietary uses, unless its label bears such
62 information concerning its vitamin, mineral, and other dietary properties as the commissioner
63 determines to be, and by rule prescribed, as necessary in order to fully inform purchasers as to its
64 value for such uses;

65 (13) If it bears or contains any artificial flavoring, artificial coloring, or chemical
66 preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that
67 compliance with the requirements of this subdivision is impracticable, exemptions shall be
68 established by department rules. The provisions of this subdivision, §29-39-2(9) of this code, and
69 §29-39-2(11) of this code with respect to artificial coloring do not apply in the case of butter,
70 cheese, and ice cream;

71 (14) If it is a raw agricultural commodity that is the produce of the soil and bears or contains
72 a pesticide chemical applied after harvest, unless the shipping container of the commodity bears
73 labeling that declares the presence of the chemical in or on the commodity and the common or
74 usual name and the function of the chemical, except that the declaration is not required while the
75 commodity, after removal from the shipping container, is being held or displayed for sale at retail
76 out of the container in accordance with the custom of the trade;

77 (15) If it is a product intended as an ingredient of another food or food product and if used
78 according to the directions of the purveyor will result in the final food or food product being
79 adulterated or misbranded;

80 (16) If it is a color additive, unless its packaging and labeling are in conformity with the
81 packaging and labeling requirements applicable to the color additive as may be contained in
82 regulations issued under 21 U.S.C. §379e;

(17) If its packaging or labeling is in violation of an applicable regulation issued under 15 U.S.C. §1472 and 15 U.S.C. §1473, the Poison Prevention Packaging Act of 1970;

(18) If it is a food product intended for human consumption and is offered for sale, unless its label or labeling bears nutrition information that provides:

(A) The serving size that is an amount customarily consumed and that is expressed in a common household measure that is appropriate to the food product; or

(B) If the use of the food product is not typically expressed in a serving size, the common household unit of measure that expresses the serving size of the food product;

(C) The number of servings or other units of measure per container;

(D) The total number of calories in each serving size or other unit of measure that are:

(i) Derived from any source; and

(ii) Derived from fat;

(E) The amount of total fat, saturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugar, dietary fiber, and total protein contained in each serving size or other unit of measure; and

(F) Any vitamin, mineral, or other nutrient required to be placed on the label and labeling of food or food product under 21 U.S.C. §343; or

(G) If it is a food product distributed at retail in bulk display cases, or a food product received in bulk containers, unless it has nutrition labeling prescribed by the commissioner; and

(H) If the commissioner determines it is necessary, nutrition labeling will be mandatory for raw fruits, vegetables, and fish, including freshwater or marine finfish, crustaceans, mollusks including shellfish, amphibians, and other forms of aquatic animal life;

~~(22)~~ (19) If it is a food product intended for human consumption and is offered for sale, and a claim is made on the label, labeling, or retail display relating to the nutrient content or a nutritional quality of the food product to a specific disease or condition of the human body, except as permitted by 21 U.S.C. §360ee; or

109 ~~(23)~~ (20) If it is a food product intended for human consumption and its label, labeling, and
110 retail display do not comply with the requirements of 21 U.S.C. §360ee pertaining to nutrient
111 content and health claims.

112 (b) The provisions of §29-39-2(a)(18) of this code do not apply to a food product:

113 (1) That is served in restaurants or other establishments in which food or food product is
114 served for immediate human consumption or that is sold for sale or use in those establishments;

115 (2) That is processed and prepared primarily in a retail establishment, that is ready for
116 human consumption, that is of the type described in subdivision (1) of this subsection, that is
117 offered for sale to consumers but not for immediate human consumption in the establishment, and
118 that is not offered for sale outside the establishment;

119 (3) That is an infant formula subject to 21 U.S.C. §350a;

120 (4) That is a medical food as defined in 21 U.S.C. §360ee;

121 (5) If the commissioner determines by rule that compliance with §29-39-29(a)(18) of this
122 code is impracticable because the package of the food product is too small to comply with the
123 requirements of that subdivision and if the label of that food product does not contain any nutrition
124 information;

125 (6) If the commissioner determines that a food product contains insignificant amounts of all
126 the nutrients required by §19-39-2(18) of this code to be listed on the label or labeling of food
127 products as long as the label, labeling, or advertising of the food product does not make any claim
128 with respect to the nutritional value of the food product: *Provided*, That if the commissioner
129 determines that a food product contains insignificant amounts of more than half the nutrients
130 required by §19-39-2(18) of this code to be in the label or labeling of the food product, the amounts
131 of those nutrients shall be stated in a simplified form prescribed by the commissioner; or

132 (7) If a food product is sold by a food distributor, as long as the food distributor principally
133 sells the food product to restaurants or other establishments in which the food product is served for

134 immediate human consumption and the food distributor does not manufacture, process, or
135 repackage the food product it sells.

136 (c) If a food product is subject to 21 U.S.C. §343, the food product shall comply with §29-
137 39-2(18) of this code in a manner prescribed by rule.

138 (d) If a person offers a food product for sale and has annual gross sales made or business
139 done in sales to consumers that is not more than \$500,000, or has annual gross sales made or
140 business done in sales of the food product to consumers that is not more than \$50,000, the
141 requirements of this section do not apply.