

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB186ER

Patron: Williams Graves

Bill Title: Misbranded food; manufactured-protein food products; civil penalty.

Bill Summary: Provides that a food is misbranded if it purports to be or is represented as a meat food product or poultry product and such food product (i) bears or contains a manufactured-protein food product, as defined in the bill; (ii) is offered for sale; and (iii) has a label that is part of or placed on the food product package or other container storing such product that identifies the food as a meat food product or poultry product, unless such label bears a conspicuous and prominent qualifying term and is in close proximity to an identifying meat term, as such terms are defined in the bill. The bill exempts a meat food product that the Department of Agriculture and Consumer Services determines contains a trace amount of a manufactured-protein food product, prohibits the sale or offering for sale of a food product that is misbranded pursuant to the provisions of the bill, and makes doing so a violation of the Virginia Consumer Protection Act. The bill provides that a person who violates the provisions of the bill is subject to a civil penalty not to exceed \$500 and allows the Board of Agriculture and Consumer Services to adopt increased civil penalties not to exceed \$500 for first, second, and subsequent violations of the bill.

Budget Amendment Necessary: No.

Items Impacted: N/A

Explanation: This bill involves the Virginia Department of Agriculture and Consumer Services (VDACS) and the Office of the Attorney General and Department of Law (OAG); however, no budget action is required. See Fiscal Analysis section below.

Fiscal Summary: It is anticipated that this bill may result in an indeterminate revenue and expenditure impact to VDACS.

Fiscal Analysis: This impact statement is final. This bill establishes a new civil penalty up to \$500 for each misbranded food product and authorizes the Board of Agriculture and Consumer Services to promulgate regulations to establish an increasing civil penalty not to exceed \$500 for first, second, and subsequent violations. These penalties could be used to offset costs of Meat and Poultry Inspections. The VDACS Office of Meat and Poultry Services does not currently assess civil penalties.

Offering for sale or selling a misbranded manufactured-protein food product would also be a violation of the Virginia Consumer Protection Act. Violations of this act could result in enforcement by the OAG or lawsuit by a consumer seeking damages. The Virginia Consumer Protection Act allows the OAG to petition the court to impose a civil penalty of up to \$2,500 per violation for deposit to the Literary Fund and to recover expenses up to \$1,000 for deposit to the general fund. The OAG anticipates that they can absorb any additional work from this bill within current resources.

The Virginia Department of Health does not anticipate any impact from this legislation.

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Other: This bill is the companion to HB322.