

## JUSTIFICATION SHEET

- PROPOSER:** Hawai'i State Association of Counties
- TITLE:** A Bill for an Act Relating to Food Labeling
- PURPOSE:** The purpose of the proposed bill is to require the labeling of genetically engineered food products sold in the State.
- MEANS:** Adding a new section to Chapter 328, Hawaii Revised Statutes.
- JUSTIFICATION:** The long-term effects of consuming genetically engineered foods are unclear. Without mandatory labeling requirements of these foods, consumers may unknowingly be putting their health at risk. Consumers have the right to know what is in food available for sale so that they can make informed choices.

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A BILL FOR AN ACT

RELATING TO FOOD LABELING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. Chapter 328, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§328- Genetically engineered material; labeling  
5 requirement.. (a) Beginning January 1, 2014, no food or raw  
6 agricultural commodity shall be sold in the State if it contains  
7 a genetically engineered material, or was produced with a  
8 genetically engineered material, unless it bears a label that  
9 provides the following disclosure notice in bold-face print and  
10 not less than ten-point type:

11           "THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL,  
12 OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL."

13           (b) A food shall be considered to have been produced with  
14 a genetically engineered material if:

15           (1) The organism from which the food is derived has been  
16 injected or otherwise treated with a genetically  
17 engineered material (except that the use of manure as

.B. NO.     

1           a fertilizer for raw agricultural commodities may not  
2           be construed to mean that those commodities are  
3           produced with a genetically engineered material);

4       (2) The animal from which the food is derived has been fed  
5           genetically engineered material; or

6       (3) The food contains an ingredient that is a food to  
7           which paragraph (1) or (2) applies.

8       (c) For the purposes of this section:

9           "Genetically engineered material" means material derived  
10          from any part of a genetically engineered organism, without  
11          regard to whether the altered molecular or cellular  
12          characteristics of the organism are detectable in the material.

13          "Genetically engineered organism" means:

14       (1) An organism that has been altered at the molecular or  
15           cellular level by means that are not possible under  
16           natural conditions or processes (including recombinant  
17           deoxyribonucleic acid and ribonucleic acid techniques,  
18           cell fusion, microencapsulation, macroencapsulation,  
19           gene deletion and doubling, introducing a foreign  
20           gene, and changing the positions of genes), other than  
21           a means consisting exclusively of breeding,

.B. NO.     

- 1           conjugation, fermentation, hybridization, in vitro  
2           fertilization, tissue culture, or mutagenesis; or  
3       (2) An organism made through sexual or asexual  
4           reproduction, or both, involving an organism described  
5           in paragraph (1), if possessing any of the altered  
6           molecular or cellular characteristics of the organism  
7           so described.  
8       (d) This section shall not apply to food that is:  
9           (1) Served in restaurants or other establishments in which  
10           food is served for immediate human consumption;  
11           (2) Processed and prepared primarily in a retail  
12           establishment and is ready for human consumption, of  
13           the type described in paragraph (1), and is offered  
14           for sale to consumers but not for immediate human  
15           consumption in the establishment and is not offered  
16           for sale outside the establishment; or  
17           (3) A medical food as defined in section 346-67.  
18       (e) A violation of any provision of this section, or any  
19 rule adopted pursuant to this chapter, shall be punishable by a  
20 fine of not more than \$1,000 for each violation.  
21       (f) The director of health shall adopt rules, pursuant to  
22 chapter 91, necessary for the purposes of this section,

\_\_\_\_.B. NO. \_\_\_\_\_

1 including rules for the testing of foods to determine the  
2 presence and content of genetically engineered material."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect upon its approval.

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6 INTRODUCED BY: \_\_\_\_\_

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