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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO FOOD AND DRUGS -- GENETICALLY MODIFIED ORGANISMS TO BE  
LABELED

Introduced By: Representatives DaSilva, Dickinson, Guthrie, Nunes, and Morrison

Date Introduced: March 03, 2011

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 36

4 LABELING OF FOOD PRODUCTS CONTAINING GENETICALLY MODIFIED

5 ORGANISMS

6 **21-36-1. Purpose.** – The purpose of this chapter is to provide a framework for the  
7 traceability of products consisting of or containing genetically modified organisms (GMOs), and  
8 food and feed produced from GMOs, with the objectives of facilitating accurate labeling,  
9 monitoring the effects on the environment and, where appropriate, on health, and the  
10 implementation of the appropriate risk management measures including, if necessary, withdrawal  
11 of products.

12 **21-36-2. Scope and applicability of chapter.** – (a) This chapter shall apply, at all stages  
13 of the placing on the open market for sale in Rhode Island, to:

14 (1) Products consisting of, or containing, GMOs, placed on the market for sale in Rhode  
15 Island;

16 (2) Food produced from GMOs, placed on the market for sale in Rhode Island; and

17 (3) Feed produced from GMOs, placed on the market for sale and/or use in Rhode Island.

18 (b) This chapter shall not apply to medicinal products for human and veterinary use

1 authorized under title 23 (“Health and Safety”).

2 **21-36-3. Definitions.** – As used in this chapter, the following terms shall have the  
3 following meanings unless the context clearly specifies otherwise:

4 (1) “Genetically modified organism” or “GMO” means an organism whose genetic  
5 characteristics have been altered by the insertion of a modified gene or a gene from another  
6 organism using the techniques of genetic engineering;

7 (2) “Produced from GMOs” means derived, in whole or in part, from GMOs, but not  
8 containing or consisting of GMOs;

9 (3) “Traceability” means the ability to trace GMOs and products produced from GMOs at  
10 all stages of their placing on the market through the production and distribution chains;

11 (4) “Unique identifier” means a simple numeric or alphanumeric code which serves to  
12 identify a GMO on the basis of the authorized transformation event from which it was developed  
13 and providing the means to retrieve specific information pertinent to that GMO;

14 (5) “Operator” means a natural or legal person who places a product on the market for  
15 sale in Rhode Island or who receives a product that has been placed on the market in the state, at  
16 any stage of the production and distribution chain, but does not included the final consumer;

17 (6) “Final consumer” means the ultimate consumer who will not use the product as part  
18 of any business operation or activity;

19 (7) “Placing on the market” means placing on the market for sale in Rhode Island;

20 (8) “The first stage of the placing on the market of a product” means the initial  
21 transaction in the production and distribution chains, where a product is made available to a third  
22 party;

23 (9) “Pre-packaged product” means any single item offered for sale consisting of a product  
24 and the packaging into which it was put before being offered for sale, whether such packaging  
25 encloses the product completely or only partially, provided that the contents cannot be altered  
26 without opening or changing the packaging.

27 **21-36-4. Traceability and labeling requirements for products consisting of or**  
28 **containing GMOs.** – (a) Traceability.

29 (1) At the first stage of the placing on the market of a product consisting of or containing  
30 GMOs, including bulk quantities, operators shall ensure that the following information is  
31 transmitted in writing to the operator receiving the product:

32 (i) That it contains or consists of GMOs;

33 (ii) An identification of the GMOs within the product.

34 (2) At all subsequent stages of the placing on the market of products referred to in

1 paragraph (a)(1)(i), operators shall ensure that the information received in accordance with  
2 paragraph (a)(1)(i) and (ii) is transmitted in writing to the operators receiving the products.

3 (3) In the case of products consisting of or containing mixtures of GMOs to be used only  
4 and directly as food or feed or for processing, the information referred to in paragraph (a)(1)(ii)  
5 may be replaced by a declaration of use by the operator, accompanied by a list of the unique  
6 identifiers for all those GMOs that have been used to constitute the mixture.

7 (4) Operators shall have in place systems and standardized procedures to allow the  
8 holding of information specified in this section and the identification, for a period of five (5)  
9 years from each transaction, of the operator by whom and the operator to whom the products have  
10 been made available.

11 (b) Labeling.

12 (1) For products consisting of or containing GMOs, operators shall ensure that:

13 (i) For pre-packaged products offered to the final consumer consisting of, or containing  
14 GMOs, the words “This product contains genetically modified organisms” or “This product  
15 contains genetically modified [name of organism(s)]” appear on a label;

16 (ii) For non-pre-packaged products offered to the final consumer the words “This product  
17 contains genetically modified organisms” or “This product contains genetically modified [name  
18 of organism(s)]” shall appear on, or in connection with, the display of the product.

19 (c) Exemptions.

20 (1) This section shall not apply to traces of GMOs in products in a proportion no higher  
21 than one percent (1%) of the entire food product.

22 **21-36-5. Traceability requirements for products for food and feed produced from**

23 **GMOs. – (a) When placing products produced from GMOs on the market in Rhode Island,**  
24 **operators shall ensure that the following information is transmitted in writing to the operator**  
25 **receiving the product:**

26 (1) An indication of each of the food ingredients which is produced from GMOs;

27 (2) An indication of each of the feed materials or additives which is produced from  
28 GMOs.

29 (3) In the case products for which no list of ingredients exists, an indication that the  
30 product is produced from GMOs.

31 (b) Operators shall have in place systems and standardized procedures to allow the  
32 holding of the information specified in this section and the identification, for a period of five (5)  
33 years from each transaction, of the operator by whom and to whom the products have been made  
34 available.

1           (c) This section shall not apply to traces of GMOs in products for food and feed produced  
2 from GMOs in a proportion no higher than one percent (1%) of the entire food product.

3           **21-36-6. Department to review.** – The department of health shall monitor compliance  
4 with this chapter by persons and entities engaged in food production, service, manufacture, and/or  
5 distribution in Rhode Island. This monitoring shall also include compliance in regard to food and  
6 feed produced from GMOs. The department shall report annually to the general assembly on the  
7 status of compliance by food preparers, distributors, and manufacturers, by March 15 of each  
8 year.

9           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO FOOD AND DRUGS -- GENETICALLY MODIFIED ORGANISMS TO BE  
Labeled

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1           This act would require that food and food products derived from or containing genetically  
2 modified organisms be labeled as such by the manufacturer, retailer or other person before  
3 putting it on the market for sale in Rhode Island.

4           This act would take effect upon passage.

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