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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO FOOD AND DRUGS - LABELING OF GENETICALLY ENGINEERED  
RAW AND PACKAGED FOOD PRODUCTS

Introduced By: Senators Nesselbush, Lombardi, Quezada, Crowley, and Pearson

Date Introduced: April 12, 2017

Referred To: Senate Health & Human Services

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 38

4 LABELING OF FOOD PRODUCTS CONTAINING GENETICALLY MODIFIED FOOD

5 PRODUCTS

6 **21-38-1. Definitions.**

7 As used in this chapter, the following terms shall have the following meanings unless the  
8 context clearly specifies otherwise:

9 (1) "Director" means the director of the state department of health;

10 (2) "Food" means and includes food only for human consumption and not any food for  
11 consumption by animals;

12 (3) "Genetically engineered" means produced from an organism or organisms in which  
13 the genetic material has been changed through the application of:

14 (i) In vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA)  
15 and direct injection of nucleic acid into cells or organelles; or

16 (ii) Fusion of cells beyond the taxonomic family, that overcome natural physiological  
17 reproductive or recombinant barriers and that are not techniques used in traditional breeding and  
18 selection.

1           **21-38-2. Disclosure requirements for genetically engineered products.**

2           (a) Any food offered for retail sale in Rhode Island that is genetically engineered must be  
3 accompanied by a conspicuous disclosure that states "Produced with Genetic Engineering." The  
4 statement must be located on the package for all packaged food or, in the case of unpackaged  
5 food, on a card or label on the store shelf or bin in which the food is displayed.

6           (b) Any food that is genetically engineered that does not display the disclosure required  
7 under §21-38-2(a) is considered mislabeled for the purposes of this chapter except that:

8           (1) Any food is not considered mislabeled if the food is produced by a person or business  
9 who:

10           (i) Grows, raises or otherwise produces that food without knowledge that the food was  
11 created from other food that was genetically engineered; and

12           (ii) Obtains a sworn statement from the person or business from whom the food was  
13 obtained that the food was not knowingly genetically engineered and was segregated from and  
14 not knowingly commingled with a food component that may have been genetically engineered;

15           (2) A food product derived from an animal is not considered mislabeled if the animal was  
16 not genetically engineered but was fed genetically engineered feed; and

17           (3) A packaged processed food is not considered mislabeled if the total weight of the  
18 processed food that was genetically engineered is less than nine-tenths of one percent (0.9%) of  
19 total weight of the processed food.

20           (c) Any person selling, offering for sale or distributing in this state any food required to  
21 contain a label with a disclosure, as provided in this section, shall be responsible for ensuring that  
22 such food is so labeled.

23           **21-38-3. Use of term "natural".**

24           A food that is subject to disclosure under this chapter may not be described on the label  
25 or by similar identification as "natural."

26           **21-38-4. Exceptions.**

27           The provisions of §21-38-2 shall not apply to any of the following:

28           (1) Alcoholic beverages;

29           (2) Food intended for human consumption that is not packaged for retail sale and that  
30 either:

31           (i) Is a processed food prepared and intended for immediate consumption; or

32           (ii) Is served, sold or otherwise provided in any restaurant or other food facility that is  
33 primarily engaged in the sale of food prepared and intended for immediate consumption;

34           (3) Farm products that are sold by a farmer or the farmer's agent to a consumer at a pick-

1 your-own farm, roadside stand, on-farm market or farmers' market; and

2 (4) Food consisting entirely of, or derived entirely from, an animal that was not  
3 genetically engineered, regardless of whether such animal was fed or injected with any  
4 genetically-engineered food or any drug that was produced through means of genetic engineering.

5 **21-38-5. Third-party protection.**

6 A distributor or retailer that sells or advertises food that is genetically engineered that  
7 fails to make the disclosure required under §21-38-2 is not subject to liability in any civil action  
8 to enforce this chapter if the distributor or retailer relied upon the sworn statement pursuant to  
9 §21-38-2(b)(1)(ii), provided by the producer or grower stating that the food is not subject to the  
10 disclosure requirements of this chapter.

11 **21-38-6. Rules and Regulations.**

12 The director of the department of health shall promulgate rules and regulations which aid  
13 in the administration and enforcement of this chapter.

14 **21-38-7. Severability.**

15 If any provision of this chapter or the application thereof to any person or circumstances  
16 is held invalid, such invalidity shall not affect other provisions or applications of the chapter,  
17 which can be given effect without the invalid provision or application, and to this end the  
18 provisions of this chapter are declared to be severable.

19 SECTION 2. This act shall take effect on January 1, 2018.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO FOOD AND DRUGS - LABELING OF GENETICALLY ENGINEERED  
RAW AND PACKAGED FOOD PRODUCTS

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- 1           This act would require that all genetically engineered food offered for retail sale in this
- 2 state contain a label with the disclosure that the food is genetically engineered food.
- 3           This act would take effect on January 1, 2018.

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