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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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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, P Fogarty, Morgan, Metts, and Pichardo

Date Introduced: February 11, 2016

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 37

4 LABELING OF FOOD PRODUCTS CONTAINING GENETICALLY MODIFIED FOOD

5 PRODUCTS

6 **21-37-1. Definitions. --** As used in this chapter, the following terms shall have the
7 following meanings unless the context clearly specifies otherwise:

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

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

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

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

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

18 **21-37-2. Disclosure requirements for genetically engineered products. --** (a) Any food

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

5 (b) Any food that is genetically engineered that does not display the disclosure required
6 under § 21-37-2(a) is considered mislabelled for the purposes of this chapter except that:

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

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

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

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

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

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

22 **21-37-3. Use of term "natural".** – A food that is subject to disclosure under this chapter
23 may not be described on the label or by similar identification as "natural."

24 **21-37-4. Exceptions.** -- The provisions of § 21-37-2 shall not apply to any of the
25 following:

26 (1) Alcoholic beverages;

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

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

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

32 (3) Farm products that are sold by a farmer or the farmer's agent to a consumer at a pick-
33 your-own farm, roadside stand, on-farm market or farmers' market; and

34 (4) Food consisting entirely of, or derived entirely from, an animal that was not

1 genetically engineered, regardless of whether such animal was fed or injected with any
2 genetically engineered food or any drug that was produced through means of genetic engineering.

3 **21-37-5. Third-party protection.** -- A distributor or retailer that sells or advertises food
4 that is genetically engineered that fails to make the disclosure required under § 21-37-2 is not
5 subject to liability in any civil action to enforce this chapter if the distributor or retailer relied
6 upon the sworn statement pursuant to § 21-37-2(b)(1)(ii), provided by the producer or grower
7 stating that the food is not subject to the disclosure requirements of this chapter.

8 **21-37-6. Rules and Regulations.** -- The director of health shall promulgate rules and
9 regulations which aid in the administration and enforcement of this chapter.

10 **21-37-7. Contingent effective date.** -- (a) On October 1, following the date the director
11 recognizes the occurrence of both of the following:

12 (1) Four (4) states, not including this state, enact a mandatory labeling law for genetically
13 engineered foods that is consistent with the provisions of this chapter, provided one such state
14 borders Rhode Island; and

15 (2) The aggregate population of such states located in the northeast region of the United
16 States that have enacted a mandatory labeling law for genetically engineered foods that is
17 consistent with this chapter exceed twenty million (20,000,000) people, based on 2010 census
18 figures.

19 (b) Not later than thirty (30) days after the director recognizes the occurrence of the
20 events described in subsections (a)(1) and (2) of this section, the director shall cause to be
21 published in the newspaper in the state having the largest circulation, notice of the date the
22 requirements of this section become effective. For purposes of this section, "states located in the
23 northeast region of the United States" means Maine, Vermont, New Hampshire, Massachusetts,
24 Connecticut, New York, New Jersey and Pennsylvania.

25 **21-37-8. Severability.** -- If any provision of this chapter or the application thereof to any
26 person or circumstances is held invalid, such invalidity shall not affect other provisions or
27 applications of the chapter, which can be given effect without the invalid provision or application,
28 and to this end the provisions of this chapter are declared to be severable.

29 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO FOOD AND DRUGS - LABELING OF GENETICALLY ENGINEERED
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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, upon the
3 occurrence of four (4) other states adopting similar mandatory labelling laws, as specified in this
4 act.

5 This act would take effect upon passage.

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