

HOUSE BILL 521

By Butt

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 3, Part 2; Title 43; Title 47, Chapter 18,
Part 1 and Title 53, relative to food labeling.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, is amended by adding the following language as a new chapter:

53-4-101. As used in this chapter:

(1) "Food" means an edible substance, beverage, or ingredient that is used or intended for use in whole or in part for human consumption;

(2) "Genetically engineered" means any food produced by or from any organism with materially altered genetics resulting from the following:

(A) In vitro nucleic acid techniques, including recombinant ribonucleic acid (RNA) techniques, recombinant deoxyribonucleic acid (DNA) techniques, and the direct injection of nucleic acid into cells or organelles; or

(B) A fusion of cells, including protoplast fusion, or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, when the donor DNA, RNA, cells, or protoplasts do not fall within the same taxonomic family, not occurring by natural multiplication or natural recombination;

(3) "Non-GMO Project" means the nonprofit organization that offers independent verification for food made according to best practices for producers of food's, retailer's, and consumer's verification;

(4) “Non-GMO Project’s product verification program” or “program” means a scientific test for the presence of genetically engineered organisms;

(5) “Non-GMO Project standard” or “standard” means the rules promulgated for the Non-GMO Project’s product verification program;

(6) “Participant”:

(A) Means a person, company, or entity that is independent of the Non-GMO Project and enrolls in the program to verify that the food or products offered for retail sale are not genetically engineered; and

(B) Includes a producer, distributor, or retailer that offers food for retail sale; and

(7) “Technical administrator” or “TA” means the independent, third-party company that is approved by the Non-GMO Project to perform evaluations of the food and determine whether a product is genetically modified.

53-4-102. The purpose of the Non-GMO Project’s product verification program is to verify that a participant’s systems and procedures ensure the delivery of products from working Tennessee farms that are not genetically engineered.

53-4-103.

(a) Any participant wanting to verify the absence of genetically engineered organisms in its products may voluntarily participate in the Non-GMO Project’s product verification program by submitting a verification inquiry form to the program through the program’s web site.

(b) Upon verification by the technical administrator that the participant’s food is not genetically engineered, the food shall be accompanied by the “Non-GMO Project Verified” seal to be distributed by the program. The seal shall be located on the package for all packaged food or, in the case of unpackaged food, on a card or label on the store shelf or bin in which the food is displayed.

(c) To ensure the delivery of products that are not genetically engineered pursuant to this chapter, a TA shall conduct an annual evaluation of each participant that includes a review of the participant's documentation and an inspection of the participant's premises during reasonable business hours.

53-4-104. A participant may withdraw from the program at any time; provided, that upon the participant's withdrawal, the "Non-GMO Project Verified" seals shall be removed from all of the participant's food labels and packaging.

53-4-105.

The state shall not be liable for:

- (1) Any claims arising from the use of the "Non-GMO Project Verified" seal;
- (2) The accuracy of the information listed on the web site of the program or seal; or
- (3) Any misrepresentation by the participant regarding the state of the participant's food.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2016, the public welfare requiring it.