



# Senate

General Assembly

**File No. 76**

*January Session, 2003*

Substitute Senate Bill No. 1045

*Senate, March 27, 2003*

The Committee on Environment reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING GENETICALLY MODIFIED FOODS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2005*) (a) For purposes of this  
2 section: (1) "Manufacturer" means any person, firm or corporation that  
3 produces or grows food that is packaged for retail sale and contains  
4 ingredient information on its labeling pursuant to federal law; (2)  
5 "person" means any individual, partnership, firm, association, limited  
6 liability company or corporation; (3) "genetically engineered" means  
7 grown, manufactured, processed or otherwise produced or altered  
8 with techniques that change the molecular or cell biology of an  
9 organism by means or in a manner not possible under natural  
10 conditions or processes, including, but not limited to, recombinant  
11 DNA techniques, cell fusion, micro-encapsulation, macro-  
12 encapsulation, gene deletion, gene doubling, introducing a foreign  
13 gene and changing the positions of genes. Genetically engineered does  
14 not mean breeding, conjugation, fermentation, hybridization, in-vitro  
15 fertilization or tissue culture processes.

16 (b) Any manufacturer who includes any genetically engineered  
17 ingredient in any food product shall list such ingredient as being  
18 "genetically engineered" in the ingredient statement of the label  
19 attached to such food product.

20 (c) All foods sold in violation of this section shall be deemed to be  
21 misbranded under section 21a-102 of the general statutes.

This act shall take effect as follows:	
Section 1	<i>January 1, 2005</i>

**ENV**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Consumer Protection, Dept.	GF - Cost	None	Potential Indeterminate
Criminal Justice, Div.; Correction, Dept.; Judicial Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

This bill requires food manufacturers to label genetically-engineered ingredients pursuant to federal labeling requirements beginning on January 1, 2005. Violators will be subject to fines and/or imprisonment.

As the result of the passage of this bill, the Department of Consumer Protection (DCP) will be required to inform food manufacturers (many of them headquartered out of state) about the new legislation, review labels to ensure compliance, investigate complaints and enforce the law. These tasks, in reference to genetically-engineered ingredients, are not typically performed by DCP's inspection staff. However, DCP Inspectors currently review labels at the retail level and have determined that since the federal-labeling law is fairly well-established, non compliance tends to be relatively rare and minor. Nevertheless, it is noteworthy to mention that this workload impact along with other workload impacts could cause the department to necessitate additional budgetary resources.

Any violation would be subject to fines and/or imprisonment under the Uniform Food, Drug and Cosmetic Act, Section 21a-95, CGS. Since

there were no such offenses under current law in FY 02, no fines were imposed and no one was imprisoned. Therefore, it is anticipated that there would be no fiscal impact on the criminal justice agencies in relation to this provision.

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**OLR Bill Analysis**

sSB 1045

**AN ACT CONCERNING GENETICALLY MODIFIED FOODS****SUMMARY:**

This bill requires food manufacturers that use genetically engineered ingredients in their food to label those ingredients as “genetically engineered” in the food’s federally required ingredient label, beginning January 1, 2005. Foods containing genetically engineered ingredients that are not so labeled after that date are considered misbranded under state consumer protection law. Misbranding is prohibited under the state Uniform Food, Drug, and Cosmetic Act. Violators (1) are subject to up to six months imprisonment or a fine up to \$500, or both and (2) that did so with an intent to defraud or mislead, or that receive a second conviction, are subject to up to a year’s imprisonment or a fine up to \$1,000, or both.

A manufacturer is any person (i.e., individual, partnership, association, or limited liability company), firm, or corporation that produces or grows food that is (1) packaged for retail sale and (2) contains ingredient information on its labeling as required by federal law.

The bill defines “genetically engineered” as an organism that is grown, manufactured, processed, produced, or altered with techniques that change its molecular or cell biology in a way not possible naturally. These techniques include:

1. recombinant DNA techniques,
2. cell fusion,
3. micro-encapsulation,
4. macro-encapsulation,
5. gene deletion,
6. gene doubling,
7. foreign gene introduction, and
8. gene position change.

But the bill specifies that “genetically engineered” does not mean breeding, conjugation, fermentation, hybridization, in-vitro

fertilization, or tissue culture processes.

EFFECTIVE DATE: January 1, 2005

**BACKGROUND**

***Federal Law Requiring Labels***

The Nutrition Labeling and Education Act (NLEA) of 1990 established the nutritional labeling requirements for food. It specifies that certain nutritional and other information must be included on the label or labels of food products (21 USC § 343 (q)).

NLEA allows states to file a petition requesting exemption from preemption (21 CFR § 100.1).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 25    Nay 0