



General Assembly

Substitute Bill No. 5117

February Session, 2012

* _____HB05117ENV___032212_____*

AN ACT CONCERNING GENETICALLY-ENGINEERED FOODS.

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

1 Section 1. (NEW) (*Effective October 1, 2012*) For the purposes of this
2 section and sections 2 to 5, inclusive, of this act:

3 (1) "Cultivated commercially" means grown or raised by a person in
4 the course of his or her business or trade and sold within the United
5 States;

6 (2) "Enzyme" means a protein that catalyzes chemical reactions of
7 other substances without being destroyed or altered upon completion
8 of such reactions;

9 (3) "Genetically engineered" means any food that is produced from
10 an organism or organisms in which the genetic material changed
11 through the application of: (A) In vitro nucleic acid techniques,
12 including recombinant deoxyribonucleic acid (DNA) techniques and
13 the direct injection of nucleic acid into cells or organelles, or (B) fusion
14 of cells, including protoplast fusion, or hybridization techniques that
15 overcome natural physiological, reproductive or recombination
16 barriers, where the donor cells or protoplasts do not fall within the
17 same taxonomic family, in a way that does not occur by natural
18 multiplication or natural recombination;

19 (4) "Organism" means any biological entity capable of replication,
20 reproduction or transferring genetic material;

21 (5) "In vitro nucleic acid techniques" means techniques, including,
22 but not limited to, recombinant deoxyribonucleic acid or ribonucleic
23 acid techniques, that use vector systems and techniques involving the
24 direct introduction into the organisms of hereditary materials prepared
25 outside the organisms such as microinjection, macroinjection,
26 chemoporation, electroporation, microencapsulation and liposome
27 fusion;

28 (6) "Processed food" means any food other than a raw agricultural
29 commodity and includes any food produced from a raw agricultural
30 commodity that was processed through canning, smoking, pressing,
31 cooking, freezing, dehydration, fermentation or milling; and

32 (7) "Processing aid" means: (A) Any substance that is added to a
33 food during the processing of such food but that is removed in some
34 manner from the food before the food is packaged in a finished form;
35 (B) any substance that is added to a food during processing, that is
36 converted into constituents normally present in the food, and that does
37 not significantly increase the amount of the constituents naturally
38 found in the food; or (C) any substance that is added to a food for its
39 technical or functional effect in the processing but that is present in the
40 finished food at insignificant levels and that does not have any
41 technical or functional effect in the finished food.

42 Sec. 2. (NEW) (*Effective October 1, 2012*) (a) On and after July 1, 2014,
43 any food offered for retail sale in this state shall be deemed
44 misbranded if such food is, or may have been, entirely or partially
45 produced with genetic engineering and such fact is not disclosed, as
46 follows: (1) In the case of a raw agricultural commodity, on the
47 package offered for retail sale, with the clear and conspicuous words
48 "Genetically Engineered" on the front of the package of such
49 commodity, or in the case of any such commodity that is not separately
50 packaged or labeled, on a label that appears on the retail store shelf or

51 bin in which such commodity is displayed for sale; and (2) in the case
52 of any processed food, in clear and conspicuous language on the front
53 or back of the package of such food, with the words "Partially
54 Produced with Genetic Engineering" or "May be Partially Produced
55 with Genetic Engineering".

56 (b) Nothing in subsection (a) of this section shall be construed to
57 require either the listing or identification of any ingredient or
58 ingredients that were genetically engineered, nor that the term
59 "Genetically Engineered" be placed immediately preceding any
60 common name or primary product descriptor of a food.

61 (c) The requirements of subsection (a) of this section shall not apply
62 to any of the following:

63 (1) Food consisting entirely of, or derived entirely from, an animal
64 that was not genetically engineered, regardless of whether such animal
65 was fed or injected with any genetically-engineered food or any drug
66 that was produced through means of genetic engineering;

67 (2) A raw agricultural commodity or food derived from such
68 commodity that was raised or produced without the knowing and
69 intentional use of genetically-engineered seed or food, provided any
70 person required to comply with the provisions of this section obtains a
71 sworn statement from the person providing such commodity or food
72 that such commodity or food: (A) Was not knowingly or intentionally
73 genetically engineered; and (B) has been segregated from, and was not
74 knowingly or intentionally commingled with, food that may have been
75 genetically engineered at any time. In providing such a sworn
76 statement, any person may rely on a sworn statement from his or her
77 own supplier that contains such an affirmation;

78 (3) Any processed food that would be subject to the provisions of
79 this section solely because it includes one or more genetically-
80 engineered processing aids or enzymes;

81 (4) Any alcoholic beverage;

82 (5) Until July 1, 2019, any processed food that would be subject to
83 the provisions of this section solely because such processed food
84 includes one or more genetically-engineered ingredients, provided: (A)
85 No single such ingredient accounts for more than one-half of one per
86 cent of the total weight of such processed food; and (B) such processed
87 food does not contain more than ten such ingredients;

88 (6) Food that an independent organization determines was not
89 knowingly and intentionally produced from or commingled with
90 genetically-engineered seed or genetically-engineered food, provided
91 such determination is made pursuant to a sampling and testing
92 procedure approved in regulations adopted by the Department of
93 Agriculture. No sampling procedure shall be approved by the
94 department pursuant to this subdivision unless such sampling is: (A)
95 Performed according to a statistically valid sampling plan consistent
96 with principles recommended by internationally recognized sources
97 such as the International Standards Organization (ISO) and the Grain
98 and Feed Trade Association (GAFTA), (B) consistent with the most
99 recent "Guidelines on Performance Criteria and Validation of Methods
100 for Detection, Identification and Quantification of Specific DNA
101 Sequences and Specific Proteins in Foods, (CAC/GL 74 (2010))"
102 published by the Codex Alimentarius Commission, and (C) not reliant
103 on testing of processed foods in which no DNA is detectable;

104 (7) Food that is lawfully certified to be labeled, marketed and
105 offered for sale as "organic" pursuant to the federal Organic Food
106 Products Act of 1990 and the regulations promulgated by the United
107 States Department of Agriculture;

108 (8) Food that is not packaged for retail sale and that either: (A) Is a
109 processed food prepared and intended for immediate human
110 consumption, or (B) is served, sold or otherwise provided in any
111 restaurant or other food facility that is primarily engaged in the sale of
112 food prepared and intended for immediate human consumption; and

113 (9) Medical food.

114 (d) The Department of Agriculture, in consultation with the
115 Departments of Public Health and Energy and Environmental
116 Protection, may adopt regulations pursuant to chapter 54 of the
117 general statutes that are necessary for the implementation and
118 enforcement of the provisions of this section.

119 (e) Any person may bring an action in the superior court for the
120 judicial district of Hartford to enforce the provisions of this section and
121 the court shall have jurisdiction upon hearing and for cause shown to
122 grant a temporary or permanent injunction restraining any person
123 from violating any provision of this section. In addition to any
124 injunctive relief provided, the court may award to the person bringing
125 the action reasonable attorney's fees and all reasonable costs incurred
126 in the investigation and prosecution of such action, as determined by
127 the court. Nothing in this subsection shall be construed to limit or alter
128 the powers of the department and its authorized agents to bring an
129 action to enforce the provisions of this section.

130 Sec. 3. (NEW) (*Effective October 1, 2012*) The Department of
131 Agriculture shall adopt regulations, pursuant to chapter 54 of the
132 general statutes, that establish best practices for farmers who cultivate
133 commercially any genetically-engineered crop. Such regulations shall
134 require the implementation of practices by such farmers to: (1)
135 Eliminate or minimize the degree to which such genetically-engineered
136 crop affects neighboring lands, and (2) minimize the amount of
137 herbicides used by such farmers to eradicate herbicide-resistant weeds.

138 Sec. 4. (*Effective October 1, 2012*) Not later than October 15, 2012, the
139 Commissioner of Consumer Protection shall, in accordance with
140 section 11-4a of the general statutes, report to the joint standing
141 committees of the General Assembly having cognizance of the
142 environment and consumer protection on a method to implement a
143 program that will provide preference in the display of food items at
144 retail establishments for any food item that is voluntarily labeled in
145 such a manner as to indicate whether such food item is genetically
146 engineered or contains genetically-engineered ingredients.

147 Sec. 5. (NEW) (*Effective October 1, 2012*) Not later than October 15,
148 2012, the Commissioner of Consumer Protection, in consultation with
149 the Commissioners of Agriculture, Public Health and Energy and
150 Environmental Protection, shall publish a list on the Department of
151 Consumer Protection's Internet web site that indicates those raw
152 agricultural commodities known to be genetically engineered. The
153 commissioner shall update such list not less than once every calendar
154 year.

155 Sec. 6. (NEW) (*Effective October 1, 2012*) Not later than January 1,
156 2013, the Commissioner of Administrative Services shall develop
157 recommendations for the implementation of state agency procurement
158 guidelines that will provide a preference for the use and purchase of
159 processed foods and raw agricultural commodities that are voluntarily
160 labeled to indicate whether such processed food or raw agricultural
161 commodity contains genetically-engineered ingredients or is
162 genetically engineered, respectively. Concomitantly, the commissioner
163 shall submit any requisite statutory or regulatory changes for the
164 implementation of such recommendations to the joint standing
165 committee of the General Assembly having cognizance of matters
166 relating to the environment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	New section
Sec. 3	<i>October 1, 2012</i>	New section
Sec. 4	<i>October 1, 2012</i>	New section
Sec. 5	<i>October 1, 2012</i>	New section
Sec. 6	<i>October 1, 2012</i>	New section

Statement of Legislative Commissioners:

In section 2(e), the reference to "such person" in the second sentence was changed to "the person bringing the action" for clarity, and in section 4, "(NEW)" was deleted because this is a special act section.

ENV *Joint Favorable Subst.-LCO*