



General Assembly

February Session, 2012

**Amendment**

LCO No. 4117

**\*HB0511704117HDO\***

Offered by:  
REP. ROY, 119<sup>th</sup> Dist.

To: Subst. House Bill No. 5117      File No. 307      Cal. No. 248

**"AN ACT CONCERNING GENETICALLY-ENGINEERED FOODS."**

1      Strike everything after the enacting clause and substitute the  
2      following in lieu thereof:

3      "Section 1. (NEW) (*Effective October 1, 2012*) For the purposes of this  
4      section and sections 2 to 6, inclusive, of this act:

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

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

11     (3) "Genetically engineered" means any food that is produced from  
12     an organism or organisms in which the genetic material changed  
13     through the application of: (A) In vitro nucleic acid techniques,  
14     including recombinant deoxyribonucleic acid (DNA) techniques and

15 the direct injection of nucleic acid into cells or organelles, or (B) fusion  
16 of cells, including protoplast fusion, or hybridization techniques that  
17 overcome natural physiological, reproductive or recombination  
18 barriers, where the donor cells or protoplasts do not fall within the  
19 same taxonomic family, in a way that does not occur by natural  
20 multiplication or natural recombination;

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

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

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

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

44 Sec. 2. (NEW) (*Effective October 1, 2012*) (a) On and after July 1, 2014,  
45 any food offered for retail sale in this state shall be deemed  
46 misbranded if such food is, or may have been, entirely or partially

47 produced with genetic engineering and such fact is not disclosed, as  
48 follows: (1) In the case of a raw agricultural commodity, on the  
49 package offered for retail sale, with the clear and conspicuous words  
50 "Genetically Engineered" on the front of the package of such  
51 commodity, or in the case of any such commodity that is not separately  
52 packaged or labeled, on a label that appears on the retail store shelf or  
53 bin in which such commodity is displayed for sale; and (2) in the case  
54 of any processed food, in clear and conspicuous language on the front  
55 or back of the package of such food, with the words "Partially  
56 Produced with Genetic Engineering" or "May be Partially Produced  
57 with Genetic Engineering".

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

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

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

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

79 own supplier that contains such an affirmation;

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

83 (4) Any alcoholic beverage;

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

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

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

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

115 (9) Medical food.

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

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

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

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

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

159       Sec. 6. (NEW) (*Effective October 1, 2012*) Not later than January 1,  
160 2013, the Commissioner of Administrative Services, in consultation  
161 with the State Contracting Standards Board, the Department of  
162 Agriculture and the Connecticut Agricultural Experiment Station, shall  
163 develop recommendations for the implementation of state agency  
164 procurement guidelines that will provide a preference for the use and  
165 purchase of processed foods and raw agricultural commodities that are  
166 voluntarily labeled to indicate whether such processed food or raw  
167 agricultural commodity contains genetically-engineered ingredients or  
168 is genetically engineered, respectively. Concomitantly, the  
169 commissioner shall submit any requisite statutory or regulatory  
170 changes for the implementation of such recommendations to the joint  
171 standing committee of the General Assembly having cognizance of  
172 matters 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