



General Assembly

February Session, 2012

Amendment

LCO No. 4118

HB0511704118HDO

Offered by:
REP. ROY, 119th 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 7, 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 October 1,
45 2012, any food offered for retail sale in this state may contain a label
46 indicating if such food is, or may have been, entirely or partially

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

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

62 (c) The Department of Agriculture, in consultation with the
63 Departments of Public Health and Energy and Environmental
64 Protection, may adopt regulations pursuant to chapter 54 of the
65 general statutes that are necessary for the implementation of the
66 provisions of this section.

67 Sec. 3. (NEW) (*Effective October 1, 2012*) (a) On and after the state of
68 California's adoption of a mandatory labeling law for foods made with
69 the process of genetic engineering and the adoption of such a
70 mandatory labeling law by two other New England states, any food
71 offered for retail sale in this state shall be deemed misbranded if such
72 food is, or may have been, entirely or partially produced with genetic
73 engineering and such fact is not disclosed, as follows: (1) In the case of
74 a raw agricultural commodity, on the package offered for retail sale,
75 with the clear and conspicuous words "Genetically Engineered" on the
76 front of the package of such commodity, or in the case of any such
77 commodity that is not separately packaged or labeled, on a label that
78 appears on the retail store shelf or bin in which such commodity is
79 displayed for sale; and (2) in the case of any processed food, in clear

80 and conspicuous language on the front or back of the package of such
81 food, with the words "Partially Produced with Genetic Engineering" or
82 "May be Partially Produced with Genetic Engineering".

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

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

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

94 (2) A raw agricultural commodity or food derived from such
95 commodity that was raised or produced without the knowing and
96 intentional use of genetically-engineered seed or food, provided any
97 person required to comply with the provisions of this section obtains a
98 sworn statement from the person providing such commodity or food
99 that such commodity or food: (A) Was not knowingly or intentionally
100 genetically engineered; and (B) has been segregated from, and was not
101 knowingly or intentionally commingled with, food that may have been
102 genetically engineered at any time. In providing such a sworn
103 statement, any person may rely on a sworn statement from his or her
104 own supplier that contains such an affirmation;

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

108 (4) Any alcoholic beverage;

109 (5) Until July 1, 2019, any processed food that would be subject to

110 the provisions of this section solely because such processed food
111 includes one or more genetically-engineered ingredients, provided: (A)
112 No single such ingredient accounts for more than one-half of one per
113 cent of the total weight of such processed food; and (B) such processed
114 food does not contain more than ten such ingredients;

115 (6) Food that an independent organization determines was not
116 knowingly and intentionally produced from or commingled with
117 genetically-engineered seed or genetically-engineered food, provided
118 such determination is made pursuant to a sampling and testing
119 procedure approved in regulations adopted by the Department of
120 Agriculture. No sampling procedure shall be approved by the
121 department pursuant to this subdivision unless such sampling is: (A)
122 Performed according to a statistically valid sampling plan consistent
123 with principles recommended by internationally recognized sources
124 such as the International Standards Organization (ISO) and the Grain
125 and Feed Trade Association (GAFTA), (B) consistent with the most
126 recent "Guidelines on Performance Criteria and Validation of Methods
127 for Detection, Identification and Quantification of Specific DNA
128 Sequences and Specific Proteins in Foods, (CAC/GL 74 (2010))"
129 published by the Codex Alimentarius Commission, and (C) not reliant
130 on testing of processed foods in which no DNA is detectable;

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

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

140 (9) Medical food.

141 (d) The Department of Agriculture, in consultation with the

142 Departments of Public Health and Energy and Environmental
143 Protection, may adopt regulations pursuant to chapter 54 of the
144 general statutes that are necessary for the implementation and
145 enforcement of the provisions of this section.

146 (e) Any person may bring an action in the superior court for the
147 judicial district of Hartford to enforce the provisions of this section and
148 the court shall have jurisdiction upon hearing and for cause shown to
149 grant a temporary or permanent injunction restraining any person
150 from violating any provision of this section. In addition to any
151 injunctive relief provided, the court may award to the person bringing
152 the action reasonable attorney's fees and all reasonable costs incurred
153 in the investigation and prosecution of such action, as determined by
154 the court. Nothing in this subsection shall be construed to limit or alter
155 the powers of the department and its authorized agents to bring an
156 action to enforce the provisions of this section.

157 Sec. 4. (NEW) (*Effective October 1, 2012*) The Department of
158 Agriculture, in consultation with the Connecticut Agricultural
159 Experiment Station, may adopt regulations, pursuant to chapter 54 of
160 the general statutes, that establish best practices for farmers who
161 cultivate commercially any genetically-engineered crop. Such
162 regulations may require the implementation of practices by such
163 farmers to: (1) Eliminate or minimize the degree to which such
164 genetically-engineered crop affects neighboring lands, and (2)
165 minimize the amount of herbicides used by such farmers to eradicate
166 herbicide-resistant weeds.

167 Sec. 5. (*Effective October 1, 2012*) Not later than October 15, 2012, the
168 Commissioner of Consumer Protection shall, in accordance with
169 section 11-4a of the general statutes, report to the joint standing
170 committees of the General Assembly having cognizance of the
171 environment and consumer protection on a method to implement a
172 program that will provide preference in the display of food items at
173 retail establishments for any food item that is voluntarily labeled in
174 such a manner as to indicate whether such food item is genetically

175 engineered or contains genetically-engineered ingredients.

176 Sec. 6. (NEW) (*Effective October 1, 2012*) Not later than October 15,
 177 2012, the Commissioner of Consumer Protection, in consultation with
 178 the Commissioners of Agriculture, Public Health and Energy and
 179 Environmental Protection, shall publish a list on the Department of
 180 Consumer Protection's Internet web site that indicates those raw
 181 agricultural commodities known to be genetically engineered. The
 182 commissioner shall update such list not less than once every calendar
 183 year.

184 Sec. 7. (NEW) (*Effective October 1, 2012*) Not later than January 1,
 185 2013, the Commissioner of Administrative Services, in consultation
 186 with the State Contracting Standards Board, the Department of
 187 Agriculture and the Connecticut Agricultural Experiment Station, shall
 188 develop recommendations for the implementation of state agency
 189 procurement guidelines that will provide a preference for the use and
 190 purchase of processed foods and raw agricultural commodities that are
 191 voluntarily labeled to indicate whether such processed food or raw
 192 agricultural commodity contains genetically-engineered ingredients or
 193 is genetically engineered, respectively. Concomitantly, the
 194 commissioner shall submit any requisite statutory or regulatory
 195 changes for the implementation of such recommendations to the joint
 196 standing committee of the General Assembly having cognizance of
 197 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
Sec. 7	<i>October 1, 2012</i>	New section