



General Assembly

Amendment

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LCO No. 4665

HB0511704665HDO

Offered by:

REP. ROY, 119th Dist.
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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 the state of

45 California's adoption of a mandatory labeling law for foods made with
46 the process of genetic engineering and the adoption of such a
47 mandatory labeling law by two other New England states, any food
48 offered for retail sale in this state shall be deemed misbranded if such
49 food is, or may have been, entirely or partially produced with genetic
50 engineering and such fact is not disclosed, as follows: (1) In the case of
51 a raw agricultural commodity, on the package offered for retail sale,
52 with the clear and conspicuous words "Genetically Engineered" on the
53 front of the package of such commodity, or in the case of any such
54 commodity that is not separately packaged or labeled, on a label that
55 appears on the retail store shelf or bin in which such commodity is
56 displayed for sale; and (2) in the case of any processed food, in clear
57 and conspicuous language on the front or back of the package of such
58 food, with the words "Partially Produced with Genetic Engineering" or
59 "May be Partially Produced with Genetic Engineering".

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

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

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

71 (2) A raw agricultural commodity or food derived from such
72 commodity that was raised or produced without the knowing and
73 intentional use of genetically-engineered seed or food, provided any
74 person required to comply with the provisions of this section obtains a
75 sworn statement from the person providing such commodity or food
76 that such commodity or food: (A) Was not knowingly or intentionally

77 genetically engineered; and (B) has been segregated from, and was not
78 knowingly or intentionally commingled with, food that may have been
79 genetically engineered at any time. In providing such a sworn
80 statement, any person may rely on a sworn statement from his or her
81 own supplier that contains such an affirmation;

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

85 (4) Any alcoholic beverage;

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

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

108 (7) Food that is lawfully certified to be labeled, marketed and

109 offered for sale as "organic" pursuant to the federal Organic Food
110 Products Act of 1990 and the regulations promulgated by the United
111 States Department of Agriculture;

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

117 (9) Medical food.

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

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

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

141 genetically-engineered crop affects neighboring lands, and (2)
142 minimize the amount of herbicides used by such farmers to eradicate
143 herbicide-resistant weeds.

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

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

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

174 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