



General Assembly

Substitute Bill No. 5300

February Session, 2016



AN ACT CONCERNING CHILDREN'S FOOD AND GENETIC ENGINEERING.

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

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) For the purposes of
2 this section:

3 (1) "Infant formula" has the same meaning as provided in section
4 21a-92 of the general statutes;

5 (2) "Baby food" means a prepared solid food consisting of a soft
6 paste or an easily chewed food that is intended for consumption by
7 children two years of age or younger and is commercially available;

8 (3) "Children's food" means any food or beverage that is intended
9 for consumption by children eleven years of age or younger and is
10 commercially available including, but not limited to, breakfast cereal,
11 snack food, candy, dairy products, baked goods, carbonated
12 beverages, fruit juice and noncarbonated beverages, prepared foods
13 and meals, and frozen and chilled desserts;

14 (4) "Genetic engineering" has the same meaning as provided in
15 section 21a-92b of the general statutes;

16 (5) "Snack food" includes, but is not limited to, potato chips, tortilla

17 chips, corn chips, pretzels, nuts, popcorn, snack bars, granola bars,
18 breakfast bars, cereal bars, crackers, cookies, processed fruit snacks,
19 gelatin and pudding;

20 (6) "Candy" includes, but is not limited to, chocolate, candy bars,
21 hard candy and chewy candy, including, but not limited to, licorice,
22 gummi candy, jelly beans and sour candy, but does not include gum
23 and breath mints;

24 (7) "Dairy products" includes, but is not limited to, milk, flavored
25 milk drinks, yogurt, yogurt drinks and cheese, but does not include
26 butter, eggs, cream, cottage cheese and sour cream;

27 (8) "Baked goods" includes, but is not limited to, snack cakes,
28 pastries, doughnuts, bread, rolls, bagels, breadsticks, buns, croissants,
29 taco shells and tortillas and toaster baked goods, including, but not
30 limited to, frozen waffles, French toast sticks and toaster pastries;

31 (9) "Carbonated beverages" includes, but is not limited to, all
32 nonalcoholic carbonated beverages, both diet and regular;

33 (10) "Fruit juice and noncarbonated beverages" includes, but is not
34 limited to, fruit juice, juice drinks, fruit-flavored drinks, vegetable
35 juice, tea drinks, energy drinks, sports drinks, cocoa, bottled water,
36 ready-to-pour beverages and beverages sold in concentrated or
37 powdered form, but does not include any form of coffee or loose leaf
38 or bagged tea;

39 (11) "Prepared foods and meals" includes, but is not limited to,
40 frozen and chilled entrees, frozen pizzas, canned soups and pasta,
41 lunch kits and nonfrozen packaged entrees; and

42 (12) "Frozen and chilled desserts" includes, but is not limited to, ice
43 cream, sherbet, sorbet, popsicles and other frozen novelties, frozen
44 yogurt and frozen baked goods, including, but not limited to, frozen
45 pies and cakes.

46 (b) Notwithstanding the provisions of section 21a-92c of the general
47 statutes, on and after July 1, 2017, any infant formula, baby food or
48 children's food that is partially or entirely produced with genetic
49 engineering and is offered or intended for retail sale in this state shall
50 include labeling that states in a clear and conspicuous manner
51 "produced with genetic engineering". Such labeling shall be in the
52 same size and font as the ingredients in the nutritional facts panel on
53 the food label.

54 (c) Infant formula, baby food or children's food that is produced
55 partially or entirely with genetically engineered materials that does not
56 include labeling that states in a clear and conspicuous manner
57 "produced with genetic engineering" as required under subsection (b)
58 of this section shall be deemed misbranded pursuant to section 21a-102
59 of the general statutes, except that such infant formula, baby food or
60 children's food shall not be considered misbranded if it (1) was
61 produced by a person who (A) was without knowledge that such
62 infant formula, baby food or children's food was created with
63 materials that were partially or entirely produced with genetic
64 engineering, and (B) obtains a sworn statement from the party that
65 sold or otherwise provided such materials to such person that such
66 materials have not been knowingly genetically engineered and have
67 not been knowingly commingled with any genetically engineered
68 materials; and (2) prior to July 1, 2021, is subject to the labeling
69 requirement of subsection (b) of this section solely because it includes
70 one or more materials produced with genetic engineering that, in the
71 aggregate, accounts for nine-tenths of one per cent or less of the total
72 weight of the infant formula, baby food or children's food.

73 (d) The Department of Consumer Protection, after consultation with
74 the Departments of Agriculture, Energy and Environmental Protection
75 and Public Health, shall adopt regulations, in accordance with chapter
76 54 of the general statutes, to implement and enforce this section.

77 (e) The Commissioner of Consumer Protection may impose a civil
78 penalty of not more than five thousand dollars for each violation of

79 this section. The Attorney General, upon request of the commissioner,
80 may bring an action in the superior court in the judicial district of
81 Hartford to collect such civil penalty and for any injunctive or
82 equitable relief. In any action brought by the Attorney General to
83 enforce the provisions of this section, the state shall be entitled to
84 recover, when it is the prevailing party, the costs of investigation,
85 expert witness fees, costs of the action and reasonable attorneys' fees.

86 (f) A distributor or retailer that sells or offers for sale infant formula,
87 baby food or children's food that fails to conform to the labeling
88 requirements set forth in subsection (b) of this section shall not be
89 liable for damages in any civil proceeding brought to enforce the
90 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section

Statement of Legislative Commissioners:

The title was changed for clarity and consistency and subsection (c) was rewritten for consistency with subsection (b).

KID *Joint Favorable Subst. -LCO*