



General Assembly

Amendment

February Session, 2016

LCO No. 4828



Offered by:

REP. URBAN, 43rd Dist.

SEN. BARTOLOMEO, 13th Dist.

REP. HAMPTON, 16th Dist.

To: Subst. House Bill No. 5300

File No. 179

Cal. No. 144

"AN ACT CONCERNING CHILDREN'S FOOD AND GENETIC ENGINEERING."

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

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

5 (1) "Infant formula" has the same meaning as provided in section
6 21a-92 of the general statutes;

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

11 (3) "Genetic engineering" has the same meaning as provided in
12 section 21a-92b of the general statutes.

13 (b) Notwithstanding the provisions of section 21a-92c of the general
14 statutes, on and after July 1, 2017, any infant formula or baby food that
15 is partially or entirely produced with genetic engineering and is
16 offered or intended for retail sale in this state shall include labeling
17 that states in a clear and conspicuous manner "produced with genetic
18 engineering". Such labeling shall be in the same size and font as the
19 ingredients in the nutritional facts panel on the food label.

20 (c) Infant formula or baby food that is produced partially or entirely
21 with genetically engineered materials that does not include labeling
22 that states in a clear and conspicuous manner "produced with genetic
23 engineering" as required under subsection (b) of this section shall be
24 deemed misbranded pursuant to section 21a-102 of the general
25 statutes, except that such infant formula or baby food shall not be
26 considered misbranded if it (1) was produced by a person who (A) was
27 without knowledge that such infant formula or baby food was created
28 with materials that were partially or entirely produced with genetic
29 engineering, and (B) obtains a sworn statement from the party that
30 sold or otherwise provided such materials to such person that such
31 materials have not been knowingly genetically engineered and have
32 not been knowingly commingled with any genetically engineered
33 materials; and (2) prior to July 1, 2021, is subject to the labeling
34 requirement of subsection (b) of this section solely because it includes
35 one or more materials produced with genetic engineering that, in the
36 aggregate, accounts for nine-tenths of one per cent or less of the total
37 weight of the infant formula or baby food.

38 (d) The Department of Consumer Protection, after consultation with
39 the Departments of Agriculture, Energy and Environmental Protection
40 and Public Health, shall adopt regulations, in accordance with chapter
41 54 of the general statutes, to implement and enforce this section.

42 (e) The Commissioner of Consumer Protection may, within
43 available appropriations, enforce the provisions of this section and
44 may, in the enforcement of such provisions, impose a civil penalty of
45 not more than five thousand dollars for each violation of this section.

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

53 (f) A distributor or retailer that sells or offers for sale infant formula
 54 or baby food that fails to conform to the labeling requirements set forth
 55 in subsection (b) of this section shall not be liable for damages in any
 56 civil proceeding brought to enforce the provisions of this section."

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