

JAN 21 2011

A BILL FOR AN ACT

RELATING TO GENETICALLY ENGINEERED FISH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Traditional Polynesian cultures, heavy Asian
2 influences, and tourist driven demand for seafood make seafood
3 consumption and commercial fishing culturally and economically
4 significant activities in Hawaii. Hawaii's per capita seafood
5 consumption is greater than three times the national average.
6 In 2005, Hawaii's commercial fishing industry landed over
7 24,000,000 pounds of commercial fish for approximately
8 \$43,000,000 in sales.

9 Over thirty-five species of genetically engineered fish are
10 under development. These fish are engineered with various
11 traits, for example to grow more rapidly or to resist certain
12 diseases. In 2002, a committee of the National Academy of
13 Sciences released a report on the potential risks and benefits
14 of genetically engineered animals. The committee found that
15 salmon that had been genetically engineered to grow more rapidly
16 raised unique concerns, including the risk of negatively
17 impacting populations of wild salmon. One company has already
18 requested approval from the United States Food and Drug



1 Administration (FDA) to sell its genetically engineered Atlantic
2 salmon in the United States for human consumption, and the FDA
3 is expected to hold a hearing in September 2010 then issue a
4 decision on the matter within a few weeks of the hearing.
5 According to CNN, a recent FDA analysis suggests that the FDA
6 deems the genetically engineered salmon to be as safe as
7 conventional salmon and that there is no reasonable certainty of
8 harm from the consumption of the genetically engineered salmon.
9 However, opponents argue that the risks have not been properly
10 addressed and that the FDA should allot more time to gather
11 unbiased information and thoroughly assess any risks.

12 In September 2008, the FDA issued draft guidelines for the
13 regulation of genetically engineered animals. Although the
14 guidelines require that a genetically engineered fish product be
15 proven safe for human consumption, the guidelines do not
16 currently state whether the fish product label shall identify
17 its origin. Consumption of genetically engineered fish products
18 may include health risks such as exposure to new toxins or
19 allergens.

20 Proper labeling of genetically engineered fish is a concern
21 in Hawaii because in addition to locally grown seafood, Hawaii
22 also imports and consumes significant quantities of seafood from



1 the United States mainland and from foreign countries. Given
2 the imminent potential sale of genetically engineered salmon,
3 the legislature finds that the proper labeling of genetically
4 modified fish and fish products should be addressed immediately.

5 The purpose of this Act is to prohibit the sale of
6 genetically engineered fish and genetically engineered fish
7 products unless conspicuously labeled.

8 SECTION 2. Chapter 486, Hawaii Revised Statutes, is
9 amended by adding a new section to part V to be appropriately
10 designated and to read as follows:

11 "§486- Genetically engineered fish and fish products;
12 labeling; identification. (a) No genetically engineered fish
13 or genetically engineered fish product may be sold in the State
14 for consumption in the State of Hawaii unless it is
15 conspicuously labeled to identify the fish or fish product as a
16 genetically engineered fish or genetically engineered fish
17 product, whether the fish or fish product is sold in a packaged
18 or unpackaged form.

19 (b) For the purposes of this section, unless the context
20 requires otherwise:

21 "Genetically engineered fish" means a finfish or shellfish,
22 or any progeny of either, whose genetic structure has been



1 altered at the molecular level by means that are not possible
2 under natural conditions or by natural processes, including
3 recombinant deoxyribonucleic acid or ribonucleic acid
4 techniques, cell fusion, gene deletion or doubling, introduction
5 of exogenous genetic material, alteration of the position of a
6 gene, or similar procedure.

7 "Genetically engineered fish product" means a fish product
8 prepared from a genetically engineered fish.

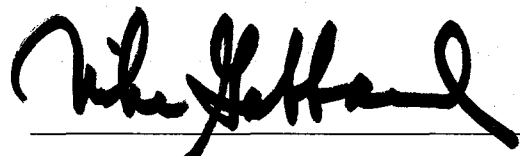

9 (c) Any person who violates this section shall be subject
10 to penalties under section 486-32(b)(4)."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY:



Report Title:

Genetically Engineered Fish; Labeling

Description:

Prohibits the sale of genetically engineered fish or genetically engineered fish products unless for consumption in the State of Hawaii and appropriately labeled as genetically engineered fish or genetically engineered fish products.

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