

JAN 20 2012

S.B. NO. 2190

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 2010, Hawaii's commercial fishing industry landed over
7 29,000,000 pounds of commercial fish.

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



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

11 In September 2009, the FDA issued final guidelines for the
12 regulation of genetically engineered animals, which describe the
13 FDA's current thinking on the application of the Federal Food,
14 Drug, and Cosmetic Act to genetically engineered animals but do
15 not establish legally enforceable responsibilities. The FDA
16 notes that although the Federal Food, Drug, and Cosmetic Act
17 does not define "animal", the common definition of the term is
18 any organism in the kingdom animalia, which includes fish and
19 shellfish, among other things. The guidelines include
20 recommendations on the shipping and labeling of genetically
21 engineered animals and the procedure for obtaining authorization



1 to introduce genetically engineered animals into the food or
2 feed supply. The guidelines further state the following:

3 "[T]he fact that the animal from which food was
4 obtained was genetically engineered would not be material
5 information with respect to labeling. However, if food
6 from a [genetically engineered] animal is different from
7 that of its non-engineered counterpart, for example if it
8 has a different nutritional profile, in general that
9 difference would be material information that would have to
10 be revealed in labeling."

11 Proper labeling of genetically engineered fish is a concern
12 in Hawaii because in addition to locally grown seafood, Hawaii
13 also imports and consumes significant quantities of seafood from
14 the United States mainland and from foreign countries. Given
15 the potential sale of genetically engineered salmon or other
16 fish or fish products, the legislature finds that the proper
17 labeling of genetically modified fish and fish products should
18 be addressed immediately.

19 The purpose of this Act is to prohibit the sale of
20 genetically engineered fish and genetically engineered fish
21 products that have not been conspicuously labeled as being
22 genetically engineered.



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

4 "§486- Genetically engineered fish and fish products;
5 labeling; identification. (a) No genetically engineered fish
6 or genetically engineered fish product may be sold, whether
7 packaged or unpackaged, in this State for consumption in this
8 State that has not been conspicuously labeled as a genetically
9 engineered fish or genetically engineered fish product.

10 (b) For the purposes of this section:

11 "Genetically engineered fish" means a finfish or shellfish,
12 or any progeny of either, whose genetic structure has been
13 altered at the molecular level by means that are not possible
14 under natural conditions or by natural processes, including
15 recombinant deoxyribonucleic acid or ribonucleic acid
16 techniques, cell fusion, gene deletion or doubling, introduction
17 of exogenous genetic material, alteration of the position of a
18 gene, or similar procedure.

19 "Genetically engineered fish product" means a fish product
20 prepared from a genetically engineered fish.

21 (c) Any person who violates this section shall be subject
22 to the civil penalties under section 486-32."



1 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

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For change
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Report Title:

Genetically Engineered Fish; Labeling

Description:

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

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