
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The process of genetically engineering food
2 organisms results in material changes to food. These foods may
3 require less pesticides, be unaffected by certain pesticides, be
4 engineered to overcome plant diseases, taste better, or be
5 higher in vitamins and other nutrients. The legislature finds
6 that the people of Hawaii should have the right to know if their
7 food was produced with genetic engineering for health, economic,
8 environmental, religious, ethical, or other reasons and
9 circumstances. In the case of genetically engineered foods
10 resulting from the transfer of animal genes into plants, a label
11 should allow vegetarians and those with religious dietary
12 restrictions to observe their dietary guidelines.

13 The Food and Drug Administration requires the labeling of
14 more than three thousand ingredients, additives, and processes.
15 More than sixty countries, including the United Kingdom,
16 countries of the European Union, South Korea, Japan, Brazil,
17 Australia, India, China, and other key trading partners of the
18 United States have laws or regulations mandating disclosure of



1 genetically engineered food on food labels. Mandatory
2 identification of food produced with genetic engineering can be
3 a critical method of preserving the economic value of exports or
4 domestically sensitive markets with labeling requirements for
5 genetically engineered foods. Papayas exported from Hawaii to
6 Japan already are labeled as genetically engineered.

7 The purpose of this Act is to establish labeling
8 requirements for specified foods that are produced with any
9 amount of genetic engineering.

10 SECTION 2. Chapter 328, Hawaii Revised Statutes, is
11 amended by adding a new part to be appropriately designated and
12 to read as follows:

13 **"PART . LABELING OF GENETICALLY ENGINEERED FOODS**

14 **§328- Definitions.** As used in this part, unless the
15 context clearly requires otherwise:

16 "Distributor" means a person or business engaged in any
17 method of distributing or transporting a food or food product
18 from one place to another.

19 "Enzyme" means a protein that catalyzes chemical reactions
20 of other substances without itself being destroyed or altered
21 upon completion of the reactions.



1 "Genetically engineered", "genetic engineering",
2 "genetically modified", or "genetic modification", as applied to
3 any human food, means produced from or with an organism or
4 organisms with genetics altered materially through the
5 application of:

6 (1) In vitro nucleic acid techniques, including but not
7 limited to recombinant deoxyribonucleic acid
8 techniques and the direct injection of nucleic acid
9 into cells or organelles; or

10 (2) Methods of fusing cells beyond the taxonomic family
11 that overcome natural physiological reproductive or
12 recombinant barriers and that are not techniques used
13 in traditional breeding and selection.

14 "Manufacturer" means the person or business that makes,
15 processes, combines, or packages food ingredients into a
16 finished food product.

17 "Processed food" means any food other than a raw
18 agricultural commodity, including any food produced from a raw
19 agricultural commodity that has been subject to processing such
20 as canning, smoking, pressing, cooking, freezing, dehydration,
21 fermentation, or milling.

22 "Processing aid" means:



1 (1) A substance that is added to a food during the
2 processing of the food but is removed in some manner
3 from the food before it is packaged in its final form;

4 (2) A substance that is added to a food during processing,
5 is converted into constituents normally present in the
6 food, and does not significantly increase the amount
7 of the constituents found in the food; or

8 (3) A substance that is added to a food for its technical
9 or functional effects in the processing but is present
10 in the finished food at insignificant levels and does
11 not have any technical or functional effect in that
12 finished food.

13 "Raw agricultural commodity" means any plant, animal, or
14 fungi grown or produced for food.

15 "Retailer" means a person or business engaged in selling
16 the food from individuals or businesses to the end-user.

17 **§328- Retail of food; misbrand; genetically engineered;**
18 **disclosure.** (a) Beginning January 1, 2015, any food offered
19 for retail sale in Hawaii is misbranded if it is produced with
20 any amount of genetic engineering and that fact is not disclosed
21 as follows:



- 1 (1) In the case of a raw agricultural commodity that is
2 not separately packaged or labeled, the words
3 "Genetically Engineered" shall be placed on the
4 container used for packaging, holding, or transport in
5 a clear and conspicuous manner by the manufacturer,
6 and maintained by the distributor, and on the retail
7 store shelf or bin in which such commodity is
8 displayed for sale in a clear and conspicuous manner
9 by the retailer;
- 10 (2) In the case of processed food containing some products
11 of genetic engineering, the manufacturer shall label
12 the product, in a clear and conspicuous manner on the
13 front or back of the package of such food, with the
14 words "Produced with Genetic Engineering"; and
- 15 (3) In the case of any seed or seed stock, the
16 manufacturer or other entity responsible for producing
17 the seed shall label the seed or seed stock container,
18 the sales receipt, and any other reference to
19 identification, ownership, or possession, in a clear
20 and conspicuous manner with the words "Genetically
21 Engineered".



- 1 (b) This section shall not apply to:
- 2 (1) Any food consisting entirely of, or derived entirely
- 3 from, an animal that has not itself been genetically
- 4 engineered, regardless of whether that animal has been
- 5 fed with any food produced with genetic engineering or
- 6 treated with any drug or vaccine that has been
- 7 produced through genetic engineering;
- 8 (2) A raw agricultural commodity or food that has been
- 9 grown, raised, produced, or derived without the
- 10 knowledge or intentional use of genetically engineered
- 11 seed or food;
- 12 (3) Any processed food that would be subject to this
- 13 section solely because one or more processing aids or
- 14 enzymes were produced with or derived from genetic
- 15 engineering;
- 16 (4) Any liquor or intoxicating liquor, as defined in
- 17 section 281-1 and regulated under chapter 281;
- 18 (5) Any food that has been lawfully certified to be
- 19 labeled, marketed, and offered for sale as "organic"
- 20 pursuant to the federal Organic Foods Production Act
- 21 of 1990, 7 U.S.C. 6501, et seq., and the National
- 22 Organic Program regulations promulgated pursuant



1 thereto by the United States Department of
2 Agriculture;

3 (6) Food that is not packaged for retail sale and that
4 either:

5 (A) Is a processed food prepared and intended for
6 immediate human consumption; or

7 (B) Is served, sold, or otherwise provided in any
8 restaurant or other food service establishment
9 that is primarily engaged in the sale of food
10 prepared and intended for immediate human
11 consumption; and

12 (7) Any medical food, as defined in section 346-67.

13 (c) This section shall not be construed to require either
14 the listing or identification of any ingredient or ingredients
15 that were genetically engineered or that the term "genetically
16 engineered" be placed immediately preceding any common name or
17 primary product descriptor of a food.

18 **§328- Penalty.** Any person who violates this part or
19 rules adopted pursuant to this part shall be fined not more than
20 \$500.

21 **§328- Effective date.** This part shall be effective
22 after three states, not including Hawaii, enact a mandatory



1 labeling law for genetically engineered foods that is consistent
2 with the provisions of this part."

3 SECTION 3. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 4. This Act shall take effect on July 1, 2014.



Report Title:

Genetically Engineered Foods; Retail Sale; Disclosure

Description:

Establishes labeling requirements for specified foods that are produced with any amount of genetic engineering. Effective July 1, 2014. (PROPOSED SB2435 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

