

JAN 23 2014

A BILL FOR AN ACT

RELATING TO GENETICALLY ENGINEERED FOOD.

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

1 SECTION 1. Chapter 328, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§328- Non-genetically engineered food products;
5 labeling. (a) Beginning on January 1, 2015, all food products
6 that are not genetically engineered and are offered for retail
7 sale within the State of Hawaii are misbranded if the fact is
8 not disclosed as follows:

9 (1) On the package offered for retail sale, with the words
10 "Non-GMO" or "Not a genetically engineered food
11 product" appearing clearly and conspicuously on the
12 label on the front of the package, or in the case of
13 any such product that is not separately packaged or
14 labeled, on a clear and conspicuous label appearing on
15 the retail store shelf or bin in which such product is
16 displayed for sale or on the product itself; and

17 (2) Any word, statement, or other information appearing on
18 a label upon or connected to the immediate container



1 or surface of any genetically engineered food product
2 shall not be considered to be in compliance with this
3 section unless such word, statement, or other
4 information also appears on the outside container or
5 wrapper, if any, of the bulk, wholesale, or retail
6 package of such product or is easily legible through
7 the outside container or wrapper.

8 (b) This section shall not apply to the following:

9 (1) Food that is not packaged for retail sale and that is:

10 (A) A processed food prepared and intended for
11 immediate human consumption; or

12 (B) Served, sold, or otherwise provided in any
13 restaurant or other food service establishment
14 that is primarily engaged in the sale of food
15 prepared and intended for immediate human
16 consumption; or

17 (2) Medical food as defined in section 346-67.

18 (c) Any violation of this section shall be considered a
19 violation of section 328-6. Only the principal labeler, as
20 defined in section 328-1, shall be liable for any violation of
21 this section."



1 SECTION 2. Section 328-1, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Genetically engineered" means produced from an organism
5 or organisms of which the genetic material has been changed
6 through the application of:

7 (1) In vitro nucleic acid techniques including recombinant
8 deoxyribonucleic acid techniques and the direct
9 injection of nucleic acid into cells or organelles
10 including but not limited to recombinant
11 deoxyribonucleic acid or ribonucleic acid techniques
12 that use vector systems and techniques involving the
13 direct introduction into the organisms of hereditary
14 material prepared outside the organisms such as micro-
15 injection, macro-injection, chemoporation,
16 electroporation, micro-encapsulation, and liposome
17 fusion; or

18 (2) Fusion of cells, including protoplast fusion, or
19 hybridization techniques that overcome natural
20 physiological, reproductive, or recombination
21 barriers, where the donor cells or protoplasts do not
22 fall within the same taxonomic family, in a way that



1 does not occur by natural multiplication or natural
2 recombination.

3 "Principal labeler" means the manufacturer, packer, or
4 distributor whose name is on the package that contains the food
5 product that is distributed to the retailer; provided that if
6 more than one name is on the package, the "principal labeler"
7 means the manufacturer, packer, or distributor whose name is on
8 the package and who last had possession of the package before
9 distribution to the retailer."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

15

INTRODUCED BY: Anne Mercedes K.



S.B. NO. 2926

Report Title:

Genetically Engineered Food Products; Labeling

Description:

Imposes labeling requirements on non-genetically engineered food products offered for retail sale.

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