
A BILL FOR AN ACT

RELATING TO LABELING.

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- Genetically engineered whole food; labeling. (a)
5 Beginning on July 1, 2014, the sale, offering for sale, or
6 distribution of any genetically engineered whole food intended
7 for human consumption within the State is prohibited unless the
8 fact of genetic engineering is disclosed as follows:

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

17 (2) In the case of all genetically engineered whole foods
18 resulting from the transfer of animal genes into



1 plants, on a clear and conspicuous label that
2 indicates this fact in a manner that will allow
3 vegetarians and those with religious dietary
4 restrictions to observe their dietary guidelines.

5 (b) This section shall not apply to any of the following:

6 (1) A raw food that has been raised, produced, or derived
7 without the knowing and intentional use of genetically
8 engineered seed or food;

9 (2) Food that has been lawfully certified as eligible to
10 be labeled, marketed, and offered for sale as organic
11 pursuant to the federal Organic Food Production Act of
12 1990, 7 United States Code 6501, et seq., and the
13 National Organic Program regulations promulgated by
14 the United States Department of Agriculture;

15 (3) Food that is not packaged for retail sale and that is:

16 (A) A processed food prepared and intended for
17 immediate human consumption; or

18 (B) Served, sold, or otherwise provided in any
19 restaurant or other food service establishment
20 that is primarily engaged in the sale of food
21 prepared and intended for immediate human
22 consumption; or



1 (4) Medical food as defined in section 346-67.

2 (c) This section shall not be construed to require that
3 the term "genetically engineered" be placed immediately
4 preceding any common name or primary product descriptor of a
5 food."

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

9 "Genetically engineered" means produced from an organism
10 or organisms of which the genetic material has been changed
11 through the application of:

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



1 (2) Fusion of cells, including protoplast fusion, or
2 hybridization techniques that overcome natural
3 physiological, reproductive, or recombination
4 barriers, where the donor cells or protoplasts do not
5 fall within the same taxonomic family, in a way that
6 does not occur by natural multiplication or natural
7 recombination.

8 "Genetically engineered whole food" means any genetically
9 engineered food in its raw or natural state."

10 SECTION 3. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 4. New statutory material is underscored.

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

18



Report Title:

Genetically Engineered Food; Labeling

Description:

Prohibits the sale or distribution of genetically engineered whole food in the State beginning 7/1/2014 unless appropriately labeled as genetically engineered or produced or partially produced with genetic engineering. (SD1)

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