

MAR 07 2014

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# SENATE RESOLUTION

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REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE  
LEGISLATION TO ESTABLISH FOOD LABELING REQUIREMENTS  
PERTAINING TO GENETICALLY MODIFIED ORGANISMS.

1           WHEREAS, requiring food labels to indicate whether or not  
2 the food is genetically modified is a hotly contested issue in  
3 the State; and  
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5           WHEREAS, in recent years, bills introduced in the Hawaii  
6 State Legislature have also engendered a plethora of passionate  
7 testimony; and  
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9           WHEREAS, federal statutes and rules are silent on mandatory  
10 labeling of genetically modified foods; and  
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12           WHEREAS, the United States Department of Health and Human  
13 Services, Food and Drug Administration, Center for Food Safety  
14 and Applied Nutrition has published a "Guidance for Industry  
15 Voluntary Labeling Indicating Whether Foods Have or Have Not  
16 Been Developed Using Bioengineering" (last updated February 21,  
17 2014); and  
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19           WHEREAS, the publication states, "In the 1992 policy, FDA  
20 also addresses the labeling of foods derived from new plant  
21 varieties, including plants developed by bioengineering. The  
22 1992 policy *does not* establish special labeling requirements for  
23 bioengineered foods as a class of foods." (emphasis added); and  
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25           WHEREAS, the publication states in part: "This draft  
26 guidance represents FDA's current thinking on voluntary labeling  
27 of foods indicating whether foods have or have not been  
28 developed using bioengineering. It does not create or confer any  
29 rights for or on any person and does not operate to bind FDA or  
30 the public"; and  
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32           WHEREAS, according to an online monogram of the Legal  
33 Information Institute of Cornell University Law School on  
34 federal preemption, "When state law and federal law conflict,  
35 federal law displaces, or preempts, state law, due to the



1 Supremacy Clause of the Constitution. U.S. Const. art. VI., § 2.  
 2 Preemption applies regardless of whether the conflicting laws  
 3 come from legislatures, courts, administrative agencies, or  
 4 constitutions. For example, the Voting Rights Act, an act of  
 5 Congress, preempts state constitutions"; and

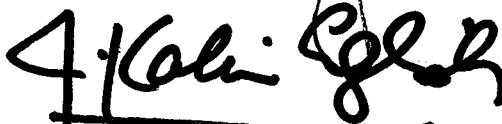
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 7 WHEREAS, it is the responsibility of the United States  
 8 Congress to pass laws that resolve nationwide inconsistencies in  
 9 laws, and to this end, Congress needs to pass legislation to  
 10 create clear food labeling requirements; now, therefore,

11  
 12 BE IT RESOLVED by the Senate of the Twenty-seventh  
 13 Legislature of the State of Hawaii, Regular Session of 2014,  
 14 that Hawaii's congressional delegation is requested to introduce  
 15 legislation in the United States Congress to establish food  
 16 labeling requirements pertaining to genetically modified  
 17 organisms; and

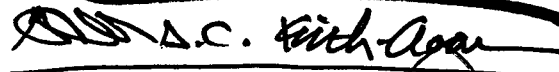
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 19 BE IT FURTHER RESOLVED that certified copies of this  
 20 Resolution be transmitted to each member of Hawaii's  
 21 congressional delegation, the Governor, the Mayor of the City  
 22 and County of Honolulu, the Mayor of the County of Hawaii, the  
 23 Mayor of the County of Kauai, and the Mayor of the County of  
 24 Maui.


OFFERED BY:

  
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