
SENATE RESOLUTION

REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE
LEGISLATION TO CLARIFY 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
29 any rights for or on any person and does not operate to bind FDA
30 or 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 clarify food labeling requirements; and

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12 WHEREAS, a federal legislative solution should protect
13 consumers by eliminating confusion and advancing food safety,
14 while ensuring that food remains affordable; now, therefore,

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16 BE IT RESOLVED by the Senate of the Twenty-seventh
17 Legislature of the State of Hawaii, Regular Session of 2014,
18 that Hawaii's congressional delegation is requested to introduce
19 legislation in the United States Congress to clarify food
20 labeling requirements pertaining to genetically modified
21 organisms; and

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

