

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO DISCLOSURES FOR BIOENGINEERED FOOD.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 BIOENGINEERED FOOD DISCLOSURE STANDARD

6 § -1 Definitions. As used in this chapter:

7 "Bioengineering" means a food:

- 8 (1) That contains genetic material that has been modified  
9 through in vitro recombinant deoxyribonucleic acid  
10 techniques; and  
11 (2) For which the modification could not otherwise be  
12 obtained through conventional breeding or found in  
13 nature.

14 "Board" means the board of agriculture.

15 "Chairperson" means the chairperson of the board of  
16 agriculture.



1 "Food" shall have the same meaning as that term is defined  
2 in section 201 of the federal Food, Drug, and Cosmetic Act,  
3 title 21 United States Code section 321, that is intended for  
4 human consumption.

5 "National Bioengineered Food Disclosure Standard" means the  
6 federal National Bioengineered Food Disclosure Standard, Public  
7 Law No. 114-216, approved July 29, 2016, and any amendments  
8 thereto.

9 **§ -2 Establishment of a bioengineered food disclosure**  
10 **standard.** The chairperson of the board shall develop and  
11 implement a bioengineered food disclosure standard, in a manner  
12 identical with regulations adopted pursuant to the National  
13 Bioengineered Food Disclosure Standard.

14 **§ -3 Disclosure standard; requirements.** (a) The  
15 disclosure standard developed by the chairperson shall permit a  
16 food to bear a disclosure that the food is bioengineered, in  
17 accordance with regulations adopted pursuant to the National  
18 Bioengineered Food Disclosure Standard.

19 (b) The form of a food disclosure developed by the  
20 chairperson shall be a text, symbol, or electronic or digital  
21 link, but excluding internet website uniform resource locators



1 not embedded in the link, with the disclosure option to be  
2 selected by the food manufacturer.

3 (c) The chairperson shall develop and provide alternative  
4 reasonable disclosure options for food contained in small or  
5 very small packages, in accordance with regulations adopted  
6 pursuant to the National Bioengineered Food Disclosure Standard.

7 (d) Small food manufacturers may select on-package  
8 disclosure options, in addition to the options under subsection  
9 (b), that consist of:

10 (1) A telephone number accompanied by appropriate language  
11 to indicate that the phone number provides access to  
12 additional information; and

13 (2) An internet website maintained by the small food  
14 manufacturer in a manner consistent with subsection  
15 (b), as appropriate.

16 (e) The disclosure developed by the chairperson pursuant  
17 to subsection (b) shall meet the following requirements:

18 (1) On-package language shall accompany:

19 (A) An electronic or digital link, which shall  
20 indicate that the electronic or digital link will  
21 provide access to an internet website or other



# S.B. NO. 300

1            landing page and shall contain the following  
2            phrase: "Scan here for more food information."  
3            or equivalent language that only reflects  
4            technological changes; or

5            (B) A telephone number, which shall indicate that the  
6            telephone number will provide access to  
7            additional information and shall contain the  
8            following phrase: "Call for more food  
9            information.";

10           (2) The electronic or digital link shall provide access to  
11           the bioengineering disclosure located, in a consistent  
12           and conspicuous manner, on the first product  
13           information page that appears for the product on a  
14           mobile device, internet website, or other landing  
15           page, which shall exclude marketing and promotional  
16           information;

17           (3) The electronic or digital link disclosure may not  
18           collect, analyze, or sell any personally identifiable  
19           information about consumers or the devices of  
20           consumers; provided that if this information is  
21           required to be collected to carry out the requirements



# S.B. NO. 300

1 of the National Bioengineered Food Disclosure  
2 Standard, that information shall be deleted  
3 immediately and shall not be used for any other  
4 purpose;

5 (4) The electronic or digital link disclosure shall also  
6 include a telephone number that provides access to the  
7 bioengineering disclosure; and

8 (5) The electronic or digital link disclosure shall be of  
9 sufficient size to be easily and effectively scanned  
10 or read by a digital device.

11 (f) The disclosure requirements of this section shall not  
12 apply to:

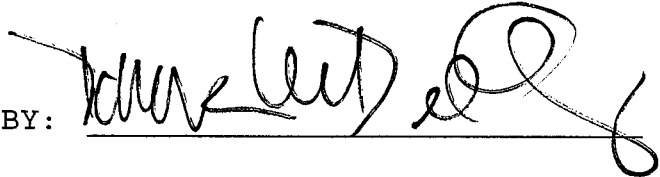
13 (1) Food served in a restaurant or similar retail food  
14 establishment; and

15 (2) Very small food manufacturers."

16 SECTION 2. This Act shall take effect on January 1, 2018.

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INTRODUCED BY:



# S.B. NO. 300

**Report Title:**

Bioengineered Food; Genetically Modified Food; Disclosure Standards; Board of Agriculture

**Description:**

Requires the chairperson of the board of agriculture to develop and implement a bioengineered food disclosure standard, in a manner identical with regulations adopted pursuant to the federal National Bioengineered Food Disclosure Standard, P.L. No. 114-216. Specifies options for disclosure. Effective 01/01/2018.

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