HOUSE DOCKET, NO. 2859 FILED ON: 2/18/2011

HOUSE . . . . . No. 3276

The Commonwealth of Massachusetts

PRESENTED BY:

Todd M. Smola

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the labeling of genetically engineered food.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Todd M. Smola	*1st Hampden*

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HOUSE . . . . . No. 3276

By Mr. Smola of Palmer, a petition (accompanied by bill, House, No. 3276) of Todd M. Smola relative to the labeling of genetically engineered food. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

An Act relative to the labeling of genetically engineered food.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 20 of the general laws is hereby amended by adding the following section:-

Section 32. The following words, as used in this section shall, unless a different meaning clearly appears from the context, have the following meanings:-

"Agricultural products", any agricultural, horticultural, viticultural, or vegetable product grown or produced.

"Food", any articles used for food or drink for humans or animals, chewing gum, and articles used for components, including food additives, of any such article.

"Food additive", any substance, the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component or

otherwise affecting the characteristics of any food including, but not limited to: any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food and including any source of radiation intended for any such use.

"Genetically engineered", grown, manufactured, processed or otherwise produced or altered with techniques that change the molecular or cell biology of an organism by means or in a manner not possible under natural conditions or processes, including but not limited to recombinant DNA or RNA techniques, cell fusion, micro- and macro-encapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes. Genetically engineered shall not include breeding, conjugation, fermentation, hybridization, in-vitro fertilization and tissue culture processes.

21 "Label", a display of written, printed, or graphic matter upon or connected to the
22 immediate container or surface of any article; and by or under the authority of this section a
23 requirement that any word, statement, or other information appearing on the label shall not be
24 considered to be complied with unless such word, statement or other information also appears on
25 the outside container or wrapper, if any, of the bulk, wholesale or retail package of such article or
26 is easily legible through the outside container or wrapper.

27 "Labeling", all labels and other written, printed, or graphic matter upon an article or any
28 of its containers or wrappers, or accompanying such article.

29 "Principle display panel", that part of a label that is most likely to be displayed,
30 presented, shown, or examined under normal and customary conditions of display for bulk,
31 wholesale or retail sale.

32 (b) All foods in the following categories sold or distributed in or from the
33 commonwealth, shall bear a label, created by the board of food and agriculture, that is plainly
34 visible on the principal display panel and contains the words genetically engineered:

35

36 (1) All foods derived in whole or in part from any genetically engineered
37 microorganisms, plants or livestock, if that genetically engineered material accounts for more
38 than one tenth of 1 per cent of the weight of the product;

39 (2) All food products prepared or processed using genetically engineered enzymes or
40 other genetically engineered processing agents, whether those enzymes or agents are present in
41 the final product or not;

42 (3) All foods derived from agricultural products cultivated using genetically engineered
43 agricultural inputs, whether those agents are present in the final product or not;

44 (4) All dairy and meat products derived from livestock that have been fed genetically
45 engineered feed or feed additives or ingredients, or derived from livestock that have been treated
46 with genetically engineered hormones or drugs;

47 (5) All genetically engineered foods that are significantly altered in composition or
48 nutritional value, or that require preparation steps different from their natural counterparts which
49 shall, in addition to being labeled "genetically engineered," be labeled to specify those changes
50 in properties;

51 (6) All genetically engineered foods resulting from trans-species gene transfers which
52 shall specify, in the label, the source of the transgene used and the purpose of the transfer; and

53 (7) All genetically engineered foods resulting from transfer of animal genes into plants
54 which shall be labeled to indicate this fact in a manner that will allow vegetarians and those with
55 dietary religious restrictions to observe their dietary guidelines.

56 (c) Any person who knowingly violates any provision of this section shall be punished by
57 a fine of not more than $1,000, or by imprisonment for not more than 6 months, or both such fine
58 and imprisonment, for each such violation.

59 (d) The board shall adopt regulations to carry out the provisions of this section.