

Senate Bill 517

Sponsored by Senator DINGFELDER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Declares genetically engineered fish and shellfish sold for human consumption to be misbranded if not labeled or otherwise identified as being genetically engineered. Applies to fish and shellfish packaged on or after January 1, 2012, or sold as raw agricultural commodities on or after January 1, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to genetically engineered food; creating new provisions; amending ORS 616.360; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 616.205 to**
6 **616.385.**

7 **SECTION 2. (1) As used in this section:**

8 (a) "Genetically engineered" means:

9 (A) Having a genetic structure that has been altered at the molecular or cellular level
10 through recombinant DNA or RNA techniques, cell fusion, gene deletion or doubling, alter-
11 ation of gene position or the introduction of exogenous genetic material or by other means
12 that are not possible under natural conditions or processes; or

13 (B) Produced through sexual or asexual reproduction involving an initial life form that
14 has been altered as described in subparagraph (A) of this paragraph.

15 (b) "Recombinant DNA or RNA techniques" means processes in which segments of
16 deoxyribonucleic acid or ribonucleic acid from different organisms are joined together to
17 create recombinant DNA or RNA molecules that have the capacity to replicate in some host
18 cell, either autonomously or as an integrated part of the host genome.

19 (c) "Shellfish" has the meaning given that term in ORS 622.010.

20 (2) A packaged food that in whole or in part consists of genetically engineered fish or
21 shellfish shall be deemed misbranded if the label does not include a clear and prominent
22 statement that the food contains genetically engineered fish or shellfish or contains genet-
23 ically engineered fish or shellfish products.

24 (3) A genetically engineered fish or shellfish sold as a raw agricultural commodity shall
25 be deemed to be misbranded if the fish or shellfish is not clearly and conspicuously identified
26 in accordance with State Department of Agriculture rules as being genetically engineered.

27 **SECTION 3. ORS 616.360 is amended to read:**

28 616.360. In the promulgation of rules under ORS 616.341, 616.345, 616.350, 616.366 and 616.380
29 **and section 2 of this 2011 Act**, the State Department of Agriculture shall give appropriate con-
30 sideration to:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (1) Measures and procedures required to protect the health and life of animals and the people
2 of this state.

3 (2) The laws of other states.

4 (3) The laws of the United States. The department's rules shall conform in so far as practicable
5 with, but shall not be more restrictive than, the laws and rules of the federal Food and Drug Ad-
6 ministration.

7 (4) The opinions of recognized experts and governmental agencies in the field of food additives.

8 **SECTION 4. Section 2 of this 2011 Act applies to fish and shellfish that are packaged on**
9 **or after January 1, 2012, or sold as raw agricultural commodities on or after January 1, 2012.**

10 **SECTION 5. This 2011 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
12 **on its passage.**

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