

House Bill 3177

Sponsored by Representatives HOLVEY, GOMBERG; Representative BOONE

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**.

Requires signage in area where genetically engineered fish are sold, displayed for sale or offered for sale at retail for human consumption. Declares genetically engineered fish to be misbranded food if sold, displayed for sale or offered for sale at retail for human consumption without required signage. Creates exception for restaurant sales. Applies to fish sold, displayed for sale or offered for sale on or after January 1, 2014.

Makes foods that contain genetically engineered fish subject to labeling requirements. Declares food to be misbranded if food contains genetically engineered fish and does not conform with labeling requirements. Applies to foods packaged on or after January 1, 2014.

Directs State Department of Agriculture to adopt rules relating to requirements.

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 2013 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 having a genetic structure that has been altered at**
9 **the molecular or cellular level through recombinant DNA or RNA techniques or the intro-**
10 **duction of exogenous genetic material that becomes incorporated into the genome of the**
11 **organism.**

12 (b) **“Recombinant DNA or RNA techniques” means processes in which segments of**
13 **deoxyribonucleic acid or ribonucleic acid from different organisms are joined together to**
14 **create recombinant DNA or RNA molecules that have the capacity to replicate in a host cell,**
15 **either autonomously or as an integrated part of the host genome.**

16 (2) **Genetically engineered fish may not be sold, displayed for sale or offered for sale at**
17 **retail for human consumption unless there is readily visible in the area where the fish is**
18 **sold, displayed or offered a sign disclosing that the fish has been genetically engineered. Ge-**
19 **netically engineered fish that is sold, displayed for sale or offered for sale in violation of this**
20 **subsection is deemed to be misbranded. This subsection does not apply to restaurants selling,**
21 **displaying or offering fish for use in meals to be prepared by the restaurant.**

22 (3) **A packaged food shall be deemed to be misbranded if:**

23 (a) **The food contains, or was produced using, genetically engineered fish and the labeling**
24 **does not include a clear and prominent statement that the food contains genetically engi-**
25 **neered fish; or**

26 (b) **The food contains a genetically engineered fish and the labeling includes any state-**
27 **ment indicating that the food does not contain genetically engineered fish.**

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 (4) For purposes of subsection (3) of this section, a packaged food is considered to have
 2 been produced using a genetically engineered fish if the fish used in the food is genetically
 3 engineered or if the fish used in the food was raised on feed that contained genetically en-
 4 gineered material.

5 (5)(a) Subsections (2) and (3) of this section do not apply to fish, or to a packaged food
 6 containing fish, if the fish or food is certified and complies with the federal Organic Foods
 7 Production Act (P.L. 101-624, as amended by P.L. 109-97) and the implementing regulations
 8 for the Act.

9 (b) Subsection (3) of this section does not apply to packaged food in which genetically
 10 engineered fish does not exceed one percent of the materials used to produce the food, as
 11 determined by the State Department of Agriculture by rule.

12 (6) The department shall adopt rules for carrying out this section. The rules may include,
 13 but need not be limited to, rules for identifying packaged foods that contain genetically en-
 14 gineered fish, rules for food package labeling statements regarding the presence or absence
 15 of genetically engineered fish and rules specifying the content, wording, size and design of
 16 signs required by subsection (2) of this section.

17 (7) The department may inspect fish and packaged foods containing fish in the possession
 18 of an agricultural commodity producer, food manufacturer, processor, packager, wholesaler
 19 or retailer and may obtain samples of the fish, fish feed, packaged foods or packaged food
 20 ingredients to the extent the department considers necessary to prevent the offering to the
 21 public of fish or foods that are deemed misbranded under this section.

22 (8) This section and any rules for the administration and enforcement of this section do
 23 not create a new public or private cause of action or preclude an existing cause of action.

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

25 616.360. In the promulgation of rules under ORS 616.341, 616.345, 616.350, 616.366 and 616.380
 26 and section 2 of this 2013 Act, the State Department of Agriculture shall give appropriate con-
 27 sideration to:

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

30 (2) The laws of other states.

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

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

35 **SECTION 4.** Section 2 of this 2013 Act applies to:

36 (1) Fish sold, displayed for sale or offered for sale at retail for human consumption on
 37 or after January 1, 2014; and

38 (2) Foods that contain fish and are packaged on or after January 1, 2014.

39 **SECTION 5.** This 2013 Act being necessary for the immediate preservation of the public
 40 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
 41 on its passage.