

## HOUSE AMENDMENTS TO HOUSE BILL 4122

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

February 15

1 On page 1 of the printed bill, line 2, after “goods” insert a period and delete the rest of the line.  
2 Delete lines 4 through 30 and delete page 2 and insert:

3 **“SECTION 1. Sections 2 to 6 of this 2016 Act are added to and made a part of ORS 616.205**  
4 **to 616.295.**

5 **“SECTION 2. As used in this section and sections 3 to 5 of this 2016 Act:**

6 **“(1)(a) ‘Genetically engineered’ means produced from one or more organisms in which**  
7 **the genetic material has been changed through the application of:**

8 **“(A) Vector-based recombinant deoxyribonucleic acid or ribonucleic acid techniques, di-**  
9 **rect introduction of deoxyribonucleic acid or ribonucleic acid into cells or organelles or other**  
10 **in vitro nucleic acid techniques; or**

11 **“(B) Methods of fusing cells or protoplasts beyond the taxonomic family that overcome**  
12 **natural physiological, reproductive or recombination barriers.**

13 **“(b) ‘Genetically engineered’ does not mean resulting from:**

14 **“(A) Conjugation, transduction, hybridization or other techniques used in traditional**  
15 **breeding and selection; or**

16 **“(B) The use of vaccines necessary for fish health.**

17 **“(2) ‘In vitro nucleic acid techniques’ means processes in which deoxyribonucleic acid or**  
18 **ribonucleic acid are prepared outside of organisms, then introduced into recipient cells or**  
19 **organisms, in a manner that changes the genetic material of the recipient.**

20 **“SECTION 3. (1) The Legislative Assembly finds and declares that:**

21 **“(a) Oregon has a substantial state interest in ensuring that Oregon consumers are fully**  
22 **informed about the fish they purchase for consumption;**

23 **“(b) Ensuring that Oregon consumers are fully informed about the fish they purchase for**  
24 **consumption includes, but is not limited to, helping consumers to avoid confusion and to**  
25 **have relevant information at the time they purchase fish for consumption and enabling**  
26 **consumers to consider the potential impact of their purchase choices on their health and**  
27 **welfare;**

28 **“(c) The labeling of genetically engineered fish is necessary to ensure that Oregon con-**  
29 **sumers are fully informed about the fish they purchase for consumption;**

30 **“(d) Oregon has a substantial state interest in protecting Oregon’s commercial fishing**  
31 **economy and environment;**

32 **“(e) Identifying genetically engineered fish that are offered for retail sale for human**  
33 **consumption will help to protect Oregon’s commercial fishing economy and environment; and**

34 **“(f) Sections 4 and 5 of this 2016 Act establish a consistent and enforceable standard for**  
35 **labeling genetically engineered fish, and packaged products containing genetically engineered**

1 fish, that provides Oregon consumers with reliable production information.

2 “(2) It is the intent of the Legislative Assembly that sections 4 and 5 of this 2016 Act  
3 facilitate the ability of Oregon consumers to exercise their right to be fully informed about  
4 whether the fish they purchase for consumption is genetically engineered.

5 “SECTION 4. (1) A case, cooler or other display location containing an unpackaged ge-  
6 netically engineered fish offered for retail sale for human consumption must have, within the  
7 proximity of the fish, a clear and conspicuous label with the words ‘Genetically  
8 Engineered.’

9 “(2) A shipping container or other wrapping that is used to transport genetically engi-  
10 neered fish in bulk or in quantity to a retailer in this state to be sold for human consumption  
11 must be labeled in a clear and conspicuous manner with the words ‘Genetically  
12 Engineered.’ This subsection does not apply to a shipping container or other wrapping used  
13 to transport packaged products described in section 5 of this 2016 Act.

14 “(3) A genetically engineered fish is misbranded if transported, offered for sale or sold in  
15 a manner that violates the labeling requirements described under this section.

16 “SECTION 5. (1) A packaged product containing genetically engineered fish must be la-  
17 beled in a clear and conspicuous manner with the words ‘Produced with Genetic  
18 Engineering’ or, to the extent allowed by the State Department of Agriculture by rule, with  
19 the words ‘Partially Produced with Genetic Engineering’ if the packaged product is sold or  
20 may reasonably be expected to be sold at retail in this state for human consumption and  
21 genetically engineered fish is more than nine-tenths of one percent by weight of the con-  
22 sumable portion of the packaged product.

23 “(2) A packaged product that contains genetically engineered fish and lacks the package  
24 labeling required under this section is misbranded.

25 “SECTION 6. (1) The State Department of Agriculture shall adopt rules for labeling re-  
26 quired under sections 4 and 5 of this 2016 Act.

27 “(2) Sections 4 and 5 of this 2016 Act:

28 “(a) Do not require that the words ‘Genetically Engineered,’ ‘Produced with Genetic En-  
29 gineering’ or ‘Partially Produced with Genetic Engineering’ immediately precede the common  
30 name or primary descriptor of the fish or packaged product.

31 “(b) Do not apply to fish, or packaged products containing fish, that are intended for use  
32 as pet food or fertilizer.

33 “(c) Do not apply to shellfish as defined in ORS 622.010.

34 “(d) Do not apply to fish or products that are prepared in whole or in part at the site of  
35 retail sale and sold in a form for immediate consumption, including but not limited to food  
36 that is sold in a restaurant.

37 “(e) Do not apply to fish, or packaged or unpackaged products containing fish, if the fish  
38 are or were used primarily for medical or scientific research.

39 “SECTION 7. Sections 4 and 5 of this 2016 Act apply to:

40 “(1) Display locations where unpackaged fish is offered for retail sale on or after January  
41 1, 2018; and

42 “(2) Products containing fish that are packaged on or after January 1, 2018.”.