

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4122**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; and”.

3 After line 3, insert:

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

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

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

11 **“(A) Vector-based recombinant deoxyribonucleic acid or ribonucleic
12 acid techniques, direct introduction of deoxyribonucleic acid or
13 ribonucleic acid into cells or organelles or other in vitro nucleic acid
14 techniques; or**

15 **“(B) Methods of fusing cells or protoplasts beyond the taxonomic
16 family that overcome natural physiological, reproductive or recombina-
17 tion barriers.**

18 **“(b) ‘Genetically engineered’ does not mean resulting from conju-
19 gation, transduction, hybridization or other techniques used in tradi-
20 tional breeding and selection.**

21 **“(2) ‘In vitro nucleic acid techniques’ means processes in which**

1 deoxyribonucleic acid or ribonucleic acid are prepared outside of
2 organisms, then introduced into recipient cells or organisms, in a
3 manner that changes the genetic material of the recipient.

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

5 **“(a) Oregon has a substantial state interest in ensuring that Oregon**
6 **consumers are fully informed about the fish they purchase for con-**
7 **sumption;**

8 **“(b) Ensuring that Oregon consumers are fully informed about the**
9 **fish they purchase for consumption includes, but is not limited to,**
10 **helping consumers to avoid confusion and to have relevant informa-**
11 **tion at the time they purchase fish for consumption and enabling**
12 **consumers to consider the potential impact of their purchase choices**
13 **on their health and welfare;**

14 **“(c) The labeling of genetically engineered fish is necessary to en-**
15 **sure that Oregon consumers are fully informed about the fish they**
16 **purchase for consumption;**

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

19 **“(e) Identifying genetically engineered fish that are offered for re-**
20 **tail sale for human consumption will help to protect Oregon’s com-**
21 **mercial fishing economy and environment; and**

22 **“(f) Sections 4 and 5 of this 2016 Act establish a consistent and en-**
23 **forceable standard for labeling genetically engineered fish, and pack-**
24 **aged products containing genetically engineered fish, that provides**
25 **Oregon consumers with reliable production information.**

26 **“(2) It is the intent of the Legislative Assembly that sections 4 and**
27 **5 of this 2016 Act facilitate the ability of Oregon consumers to exercise**
28 **their right to be fully informed about whether the fish they purchase**
29 **for consumption is genetically engineered.**

30 **“SECTION 4. (1) A case, cooler or other display location containing**

1 an unpackaged genetically engineered fish offered for retail sale for
2 human consumption must have, within the proximity of the fish, a
3 clear and conspicuous label with the words ‘Genetically Engineered.’

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

11 “(3) A genetically engineered fish is misbranded if transported, of-
12 fered for sale or sold in a manner that violates the labeling require-
13 ments described under this section.

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

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

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

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

29 “(a) Do not require that the words ‘Genetically Engineered,’
30 ‘Produced with Genetic Engineering’ or ‘Partially Produced with Ge-

1 **netic Engineering’ immediately precede the common name or primary**
2 **descriptor of the fish or packaged product.**

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

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

6 **“(d) Do not apply to fish or products that are prepared in whole or**
7 **in part at the site of retail sale and sold in a form for immediate**
8 **consumption, including but not limited to food that is sold in a res-**
9 **taurant.**

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

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

13 **“(2) Products containing fish that are packaged on or after January**
14 **1, 2018.”.**

15 In line 4, delete “1” and insert “8”.

16 In line 16, after “organisms” insert a comma.

17 On page 2, line 9, delete “2” and insert “9”.

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