

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4122**

1 On page 1 of the printed bill, line 2, after “goods” insert a period and  
2 delete the rest of the line.

3 Delete lines 4 through 30 and delete page 2 and 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:**

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

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

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

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

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

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

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

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

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

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

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

1       **“SECTION 4. (1) A case, cooler or other display location containing**  
2 **an unpackaged genetically engineered fish offered for retail sale for**  
3 **human consumption must have, within the proximity of the fish, a**  
4 **clear and conspicuous label with the words ‘Genetically Engineered.’**

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

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

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

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

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

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

30       **“(a) Do not require that the words ‘Genetically Engineered,’**

1 **‘Produced with Genetic Engineering’ or ‘Partially Produced with Ge-**  
2 **netic Engineering’ immediately precede the common name or primary**  
3 **descriptor of the fish or packaged product.**

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

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

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

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

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

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

17 **“(2) Products containing fish that are packaged on or after January**  
18 **1, 2018.”.**

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