
**Agriculture & Natural Resources
Committee**

HI 522

Brief Description: Genetically engineered foods.

Sponsors: None.

Brief Summary of Bill

- Provides that any food offered for retail sale is misbranded if it is or may have been produced with genetic engineering and that fact is not disclosed.

Hearing Date: 3/6/13

Staff: Cherlyn Walden (786-7296).

Background:

The Uniform Washington Food, Drug, and Cosmetic Act (Act) is administered by the Department of Agriculture (Department). Misbranding is addressed in the Act, however, genetically modified (GM) content is not addressed. The Act provides that a person is guilty of a misdemeanor if he or she engages in: the sale in intrastate commerce of any food that is misbranded; the misbranding of any food in intrastate commerce; the receipt in intrastate commerce of any good that is misbranded and the sale in such commerce for pay or otherwise; or the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of food. The first violation carries a criminal penalty of a fine up to \$200. For any subsequent violation, the person is subject to imprisonment for up to 30 days, a fine of up to \$500, or both. If the violation committed with the intent to defraud or mislead, the penalty is imprisonment for up to 90 days, a fine of up to \$1,000, or both. The Director of the Department may also impose and collect a civil penalty up to \$1,000 per violation per day, subject to a hearing.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Initiatives to the Legislature, if certified, are submitted to the Legislature at its next regular session in January. Once submitted, the Legislature must take one of the following three actions:

- adopt the initiative as proposed, in which case it becomes law without a vote of the people;
- reject or refuse to act on the proposed initiative, in which case the initiative must be placed on the ballot at the next state general election; or
- approve an alternative to the proposed initiative, in which case both the original proposal and the Legislature's alternative must be placed on the ballot at the next state general election

Summary of Bill:

Beginning July 1, 2015, food offered for retail sale is considered to be misbranded if it is or may have been produced with genetic engineering and that fact is not disclosed, as provided:

- raw agricultural commodities are required to be labeled with the words "genetically engineered" on the packaging, with a label, or on the retail store shelf or bin depending on how it is offered for sale;
- any processed food must clearly state on the front of the package that either that it was "partially produced with genetic engineering" or "may be partially produced with genetic engineering"; or
- any seed or seed stock must clearly state on the stock container, sales receipt, or other reference to identification, ownership, or possession "genetically engineered" or "produced with genetic engineering."

A raw agricultural commodity or food that was grown or produced without the knowing and intentional use of genetically engineered seed or food is not considered misbranded if the supplier provides a sworn statement that the raw agricultural commodity or food has not been knowingly or intentionally produced through genetic engineering or comingled with foods that may have been genetically engineered.

Processed foods that use a limited amount of genetically engineered materials are not considered misbranded so long as the engineered materials in the aggregate do not exceed nine-tenths of one percent of the total weight of the processed food. This exemption expires on July 1, 2019.

Further exemptions include food from an animal that has not been genetically engineered even though the animal has been fed or injected with food or drugs derived from genetic engineering; any processed food that would be subject to the Act only because processing aids or enzymes were derived from genetic engineering; alcoholic beverages regulated under the alcoholic beverage control title; food that has been determined by an independent organization not to be knowingly or intentionally produced from or comingled with genetically engineered seed or food, with qualifications; food lawfully certified and labeled organic; restaurant food and processed food intended for immediate human consumption; and medical food.

The Department of Health (DOH) is permitted to adopt rules necessary to implement the labeling of genetically modified products, but may not create any new exemptions beyond those provided. The DOH may bring an action to enjoin any person in violation of this Act, but any person may bring an action in the public interest if it is commenced more than 60 days after he or

she has given notice of the alleged violation to the DOH, the Attorney General, and the alleged violator.

Appropriation: None.

Fiscal Note: Available.