

JAN 20 2012

S.B. NO. 2478

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that food-safety experts
2 have identified several potential problems that might arise as a
3 result of genetically engineering food crops. Those problems
4 include potentially introducing new toxins or allergens into
5 previously safe foods, increasing toxins to dangerous levels in
6 foods that typically produce harmless amounts, or diminishing a
7 food's nutritional value. The legislature also finds that
8 federal regulators have failed to respond effectively to the
9 threats posed by those problems, despite the known risks of
10 genetically engineered food products.

11 The legislature further finds that researchers have
12 confirmed predictions that genetic engineering can transfer an
13 allergen from a known allergenic food to another food. In the
14 1990s, a major seed company transferred a gene from the Brazil
15 nut into a soybean to improve the soybean's nutritional quality.
16 As reported in the New England Journal of Medicine in 1996,
17 subsequent experiments showed that people allergic to Brazil
18 nuts were similarly allergic to the transgenic soybean. An



1 editorial published later that year reported that the product
2 was withdrawn after the findings were published.

3 The legislature also finds that researchers found that a
4 genetically engineered food supplement almost certainly started
5 an epidemic that killed thirty-seven Americans and caused
6 permanent disability in more than one thousand five hundred
7 people. In 1988, the Showa Denko company of Japan began making
8 tryptophan by a new process that used genetically engineered
9 bacteria and selling the supplement in the United States.

10 Thousands of people who took the supplement began to suffer from
11 eosinophilia myalgia syndrome, which included neurological
12 problems. An article that appeared in the Journal of the
13 American Medical Association in 1990 attributed the epidemic of
14 eosinophilia myalgia syndrome to a contaminant or alteration in
15 the genetically engineered tryptophan produced by Showa Denko.

16 The purpose of this Act is to prohibit the sale, offering
17 for sale, or distribution of food products that are genetically
18 engineered, unless the food product is labeled as genetically
19 engineered.

20 SECTION 2. Chapter 328, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:



1 "§328- Genetically engineered material; labeling

2 requirement. (a) Beginning July 1, 2013, no genetically

3 engineered food product may be sold, offered for sale, or

4 distributed in the State unless it bears the following statement

5 in a conspicuous place on the packaging of the food product:

6 "THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED FOOD

7 PRODUCT."

8 (b) As used in this section:

9 "Food product" means any raw or processed material, or any

10 combination of raw and processed material, that is intended for

11 human consumption.

12 "Genetically engineered food product" includes any food

13 product that has been:

14 (1) Altered at the nucleic-acid level using the techniques

15 collectively referred to as recombinant

16 deoxyribonucleic acid technology; or

17 (2) Developed through sexual or asexual reproduction, or

18 both, involving an organism that has been altered at

19 the nucleic acid level using recombinant

20 deoxyribonucleic acid technology, if it possesses the

21 characteristics intentionally brought about by the

22 original alteration.



1 (c) This section shall not apply to:

2 (1) Food that is served in restaurants or other
3 establishments in which food is served for immediate
4 human consumption; or

5 (2) Medical food, as defined in section 346-67.

6 (d) Any person who violates this section, or any rule
7 adopted pursuant to this section, shall be fined not more than
8 \$10,000 for each offense. Each date of violation shall
9 constitute a separate offense. Any action taken to impose or
10 collect the penalty provided for in this subsection shall be
11 considered a civil action.

12 (e) The director of health shall adopt rules pursuant to
13 chapter 91 that are necessary to effectuate the purposes of this
14 section, including rules for the testing of foods to determine
15 whether the food is a genetically engineered food product."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18
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S.B. NO. 2478

Report Title:

Food Labeling; Genetically Engineered Food Products

Description:

Beginning 7/1/13, requires genetically engineered food products that are sold, offered for sale, or distributed in this State to be labeled as such, with certain exceptions. Defines "genetically engineered food product." Establishes penalties for violations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

