### A BILL FOR AN ACT

RELATING TO FOOD.

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

1	SECTION 1. The purpose of this Act is to authorize the		
2	labeling of qualified food sold at retail as "not genetically		
3	engineered" or "does not include a genetically engineered		
4	ingredient".		
5	The legislature intends that any interested person or		
6	public agency have the authority to seek an injunction to		
7	prevent or terminate a violation of this Act.		
8	SECTION 2. The Hawaii Revised Statutes is amended by		
9	adding a new chapter to be appropriately designated and to read		
10	as follows:		
11	"CHAPTER		
12	LABELING OF NON-GENETICALLY ENGINEERED FOOD		
13	§ -A Definitions. For the purpose of this chapter:		
14	"Food" has the same meaning as defined under section 328-1.		
15	"Genetically engineered" means food or an ingredient		
16	produced from an organism in which the genetic material has been		
17	changed through the application of:		

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1	(1)	In vitro nucleic acid techniques, including
2		recombinant deoxyribonucleic acid or ribonucleic acid
3		techniques that use vector systems; techniques
4		involving the direct introduction into the organism of
5		hereditary materials prepared outside the organisms,
6		such as micro-injection, macro-injection,
7		chemoporation, electroporation, micro-encapsulation,
8		and liposome fusion; and the direct injection of
9		nucleic acid into cells or organelles; or
10	(2)	Fusion of cells, including protoplast fusion, or
11		hybridization techniques that overcome natural
12		physiological, reproductive, or recombination
13		barriers, where the donor cells/protoplasts do not
14		fall within the same taxonomic family, in a way that
15		does not occur by natural multiplication or natural
16		recombination.
17	"Lab	el" means the same as defined under section 328-2.
18	"Org	anism" means any biological entity capable of
19	replicati	on, reproduction, or transferring genetic material.
20	\$	-B "Not genetically engineered" or "does not include a
21	genetical	ly engineered ingredient" food; permitted labeling.
22	(a) Food	offered for retail sale may have a label stating that

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- 1 the food is "not genetically engineered" or "does not include a
- 2 genetically engineered ingredient" if the statement is true.
- 3 (b) The food label authorized by this section shall be
- 4 displayed in accordance with section 328-8.
- 5 (c) Food offered for retail sale with a label falsely
- 6 stating that the food is "not genetically engineered" or "does
- 7 not include a genetically engineered ingredient" shall be a
- 8 violation of this section.
- 9 S -C Injunctive relief. (a) Any person or public
- 10 agency may bring a civil action in any circuit court of
- 11 competent jurisdiction for injunctive relief to prevent or
- 12 terminate any violation of section -B.
- 13 (b) The circuit court, in its discretion, may award, to a
- 14 prevailing person or public agency, reasonable attorney's fees
- 15 and costs for investigating and prosecuting the action."
- 16 SECTION 3. In codifying the new sections added by section
- 17 2 of this Act, the revisor of statutes shall substitute
- 18 appropriate section numbers for the letters used in designating
- 19 the new sections in this Act.

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1 SECTION 4. This Act shall take effect on July 1, 2013.

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INTRODUCED BY:

HB LRB 13-0153.doc

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### Report Title:

Food Labeling; "Not Genetically Engineered", "Does Not Include a Genetically Engineered Ingredient"

#### Description:

Authorizes display on qualified food offered for retail sale a label stating "not genetically engineered" or "does not include a genetically engineered ingredient" if the statement is true. Makes an untrue statement a violation. Allows any person or public agency to seek an injunction to prevent or terminate a violation.

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