

JAN 23 2014

S.B. NO. 3084

A BILL FOR AN ACT

RELATING TO FOOD SAFETY.

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

1 SECTION 1. The purpose of this Act is to address food
2 safety.

3 More specifically, this Act, beginning on July 1, 2015:

4 (1) Requires food retailers to label genetically modified
5 food sold to consumers;

6 (2) Prohibits food retailers from selling genetically
7 modified food if not properly labeled;

8 (3) Establishes a genetically modified food labeling
9 subsidy program; and

10 (4) Generates revenues for the subsidies by imposing a
11 charge on pesticide licenses, certificates, renewals,
12 replacements, and examinations.

13 SECTION 2. Chapter 147, Hawaii Revised Statutes, is
14 amended by adding a new part to be appropriately designated and
15 to read as follows:

16 "PART . GENETICALLY MODIFIED FOOD

17 LABELING REQUIREMENT AND SUBSIDIES

18 §147-A Definitions. For the purpose of this part:



"Department" means the department of agriculture.

"Food retailer" means a person who sells, within the State, packaged or unpackaged food directly to the public for consumption.

"Genetically modified" means produced from an organism or organisms whose genetic material has been genetically engineered through the application of:

(1) In vitro nucleic acid techniques, including recombinant deoxyribonucleic acid techniques, direct injection of nucleic acid into cells or organelles, encapsulation, gene deletion, and doubling; or

(2) Methods of fusing cells beyond the taxonomic family that overcome natural physiological reproductive or recombinant barriers, but excluding techniques used in traditional breeding and selection, such as conjugation, transduction, and hybridization;

provided that an animal that has not itself been genetically modified, regardless of whether the animal has been fed or injected with any food or drug that has been produced through means of genetic modification, shall not be considered

"genetically modified" for purposes of this part.



1 "Genetically modified organism" means an organism or
2 organisms whose genetic material has been genetically modified.

3 "Genetically modified food" means food or a food product
4 that has been genetically modified or contains genetically
5 modified organisms or ingredients.

6 "In vitro nucleic acid techniques" include recombinant
7 deoxyribonucleic acid or ribonucleic acid techniques that use
8 vector systems and techniques involving the direct introduction
9 into the organisms of hereditary materials prepared outside the
10 organisms such as micro-injection, macro-injection,
11 chemoporation, electroporation, micro-encapsulation, and
12 liposomefusion.

13 **§147-B Genetically modified food labeling required. (a)**

14 From July 1, 2015, every food retailer shall label all
15 genetically modified food sold by the retailer to consumers.

16 The label shall indicate that the genetically modified food has
17 been genetically modified or contains genetically modified
18 organisms or ingredients.

19 From July 1, 2015, no food retailer shall sell any
20 genetically modified food that is not labeled as required by
21 this section and any rule adopted thereunder.



(b) The department shall adopt rules under chapter 91 to implement this section by July 1, 2015. The rules shall include:

- (1) Standards for labeling genetically modified food; and
- (2) Penalties for any violation of this section, which shall not be more severe than a misdemeanor.

§147-C Genetically modified food labeling subsidy program.

(a) The department shall establish a genetically modified food labeling subsidy program. Under the program, the department shall provide subsidies to food retailers for the labeling of genetically modified food sold by those retailers to consumers.

(b) The department shall adopt rules to implement the genetically modified food labeling subsidies to food retailers. The rules shall include:

- (1) Eligibility requirements for food retailers to receive subsidies;
- (2) A process for the application for and award of subsidies;
- (3) Standards for labeling genetically modified food as being genetically modified or containing genetically modified organisms or ingredients;
- (4) Allowable uses of subsidies by food retailers; and



(5) Penalties for any violation of this section, which shall not be more severe than a misdemeanor.

§147-D Genetically modified food labeling surcharge. (a)

There is imposed a surcharge upon each of the following fees charged under authority of chapter 149A:

- (1) Each license issued in the State for a pesticide product and the renewal of that license;
- (2) Each annual license for a principal sales outlet and branch sales outlet of a restricted use pesticide dealer;
- (3) Each examination for a pesticide applicator certification or renewal of certification;
- (4) Each replacement of an applicator certificate or dealer representative license;
- (5) Each initial pesticide applicator certificate or dealer representative license for restricted use pesticides;
- (6) Each renewal of the certificate or license specified under paragraph (5); and
- (7) Each examination taken for a pesticide dealer representative license.



(b) The amount of the surcharge shall be the same as and additional to the amount charged for the license, certificate, renewal, examination, or replacement listed in subsection (a) pursuant to chapter 149A and any rules adopted thereunder.

(c) The department shall collect the surcharge imposed pursuant to this section and transmit the revenues to the director of finance for deposit into the genetically modified food labeling special fund.

§147-E Genetically modified food labeling special fund.

(a) There is established within the state treasury the genetically modified food labeling special fund.

(b) The following shall be deposited into the genetically modified food labeling special fund:

- (1) Surcharge revenues collected under section 147-D;
- (2) Fines for violations of this part; and
- (3) Interest earned on the balance of the special fund.

(c) Revenues of the special fund shall be expended to award genetically modified food labeling subsidies in accordance with section 147-C."

SECTION 3. From the approval date of this Act, the department of agriculture shall commence the process to adopt



1 rules in accordance with chapter 91, Hawaii Revised Statutes,
2 necessary to fully implement section 2 of this Act.

3 SECTION 4. In codifying the new sections added by section
4 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval;
10 provided that section 2 of this Act shall take effect on July 1,
11 2015.

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INTRODUCED BY:

Arvid Y. Lee
BY REQUEST



S.B. NO. 3084

Report Title:

Agriculture; GMO Food Labeling; Subsidies

Description:

Requires food retailers to label GMO food sold to consumers for consumption. Prohibits sale of GMO food not appropriately labeled. Establishes a GMO labeling subsidy program. Imposes a surcharge on pesticide-related fees to provide revenues for the subsidy program.

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