

JAN 19 2018

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# A BILL FOR AN ACT

RELATING TO GENETICALLY MODIFIED FOOD.

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

1       SECTION 1. Chapter 147, Hawaii Revised Statutes, is  
2       amended by adding a new part to be appropriately designated and  
3       to read as follows:

4                   **"PART     .   GENETICALLY MODIFIED FOOD**

5                               **LABELING REQUIREMENT**

6       **§147-A Definitions.** For the purpose of this part:

7       "Department" means the department of agriculture.

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

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

- 14           (1) In vitro nucleic acid techniques, including  
15                recombinant deoxyribonucleic acid techniques, direct  
16                injection of nucleic acid into cells or organelles,  
17                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.

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

"Imported genetically modified food" means:

(1) Imported food or a food product that has been genetically modified; or

(2) Food or food product containing imported genetically modified organisms or ingredients.

"In vitro nucleic acid techniques" include recombinant deoxyribonucleic acid or ribonucleic acid techniques that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the



1 organisms such as micro-injection, macro-injection,  
2 chemoporation, electroporation, micro-encapsulation, and  
3 liposomefusion.

4 **§147-B Genetically modified food labeling required. (a)**

5 Every food retailer shall label all imported genetically  
6 modified food sold by the retailer to consumers. The label  
7 shall indicate that the imported genetically modified food has  
8 been genetically modified or contains genetically modified  
9 organisms or ingredients. No food retailer shall sell any  
10 imported genetically modified food that is not labeled as  
11 required by this section and any rule adopted thereunder.

12 (b) The department shall adopt rules under chapter 91 to  
13 implement this section. The rules shall include:

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

17 **§147-C Genetically modified food labeling subsidy program.**

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



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(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 the 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;



- 1           (3) Each examination for a pesticide applicator  
2           certification or renewal of certification;
- 3           (4) Each replacement of an applicator certificate or  
4           dealer representative license;
- 5           (5) Each initial pesticide applicator certificate or  
6           dealer representative license for restricted use  
7           pesticides;
- 8           (6) Each renewal of the certificate or license specified  
9           under paragraph (5); and
- 10          (7) Each examination taken for a pesticide dealer  
11          representative license.
- 12          (b) The amount of the surcharge shall be the same as and  
13          additional to the amount charged for the license, certificate,  
14          renewal, examination, or replacement listed in subsection (a)  
15          pursuant to chapter 149A and any rules adopted thereunder.
- 16          (c) The department shall collect the surcharge imposed  
17          pursuant to this section and transmit the revenues to the  
18          director of finance for deposit into the genetically modified  
19          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 2. From the approval date of this Act, the department of agriculture shall commence the process to adopt rules in accordance with chapter 91, Hawaii Revised Statutes, necessary to fully implement section 1 of this Act.

SECTION 3. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.



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1       SECTION 4. This Act shall take effect upon its approval;  
2 provided that section 1 of this Act shall take effect on July 1,  
3 2019.

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INTRODUCED BY: BC L 13/12



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**Report Title:**

GMOs; Genetically Modified Food Labeling; Department of Agriculture

**Description:**

Beginning on 7/1/2019, requires food retailers to label genetically modified food imported to Hawaii to be labelled as being genetically modified or containing genetically modified organisms or ingredients.

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

