

JAN 22 2021

A BILL FOR AN ACT

RELATING TO FOOD LABELING.

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

1 SECTION 1. The legislature finds that food labels can be
2 misleading. Specifically, because consumers appear to be more
3 conscious of their health than ever, some food manufacturers
4 make less than factual health claims on their food labels that
5 take advantage of a consumer's preference to eat healthy foods
6 and unfairly lure the consumer into purchasing their products.
7 In fact, research shows that adding health claims to food labels
8 convinces a consumer that the product is healthier than an
9 identical product that does not list health claims.

10 The purpose of this Act is to prohibit certain food
11 labeling practices with regard to foods with non-genetically-
12 modified-organisms, organic foods, and gluten-free foods.

13 SECTION 2. Chapter 486, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§486-_____ Food labeling; non-GMO; organic; gluten-free.

17 (a) No person shall keep, offer, display, expose for sale, or



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1 solicit for the sale of any produce labeled as "non-genetically-
2 modified-organism", "non-GMO", or like terms, unless the person
3 knows or has reason to know that:

4 (1) The produce appears on the List of Bioengineered Foods
5 developed by the United States Department of
6 Agriculture, which identifies crops or foods that are
7 available in a bioengineered form throughout the world
8 and for which regulated entities must maintain
9 records;

10 (2) The grower or producer of the produce has been issued
11 a permit by the United States Department of
12 Agriculture to produce crops of the produce for
13 commercial use; and

14 (3) The grower or producer of the produce has received
15 "deregulated status" by the United States Department
16 of Agriculture to plant and distribute the produce
17 without restriction.

18 (b) No person shall keep, offer, display, expose for sale,
19 or solicit for the sale of any food item labeled as "organic" or
20 like term unless the person knows or has reason to know that the
21 food item has been grown or produced by a grower who has been



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1 issued an organic certificate by a certifying agent who is
 2 accredited by the United States Department of Agriculture to
 3 organically grow the product that the grower labels as
 4 "organic".

5 (c) Unless otherwise specified by the United States Food
 6 and Drug Administration, the United States Department of
 7 Agriculture, or the Alcohol and Tobacco Tax and Trade Bureau, no
 8 person shall keep, offer, display, expose for sale, or solicit
 9 for the sale of any food item labeled as "gluten-free", "no
 10 gluten", "free of gluten", or similar terms unless the person
 11 knows or has reason to know that the food item contains an
 12 ingredient that:

- 13 (1) Uses a grain in which gluten occurs naturally; and
- 14 (2) Has been processed to remove the gluten."

15 SECTION 3. This Act does not affect rights and duties that
 16 matured, penalties that were incurred, and proceedings that were
 17 begun before its effective date.

18 SECTION 4. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

J. Kalani Ghosh



S.B. NO. 709

Report Title:

Food Labeling; Non-Genetically-Modified-Organisms; Organic;
Gluten-Free

Description:

Prohibits certain food labeling practices with regard to foods produced with non-genetically-modified-organisms, organic foods, and gluten-free foods.

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