

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1078

H.P. 790

House of Representatives, February 18, 1997

An Act to Require Labeling on Genetically Engineered Food.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CHARTRAND of Rockland.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: COWGER of Hallowell, KANE of Saco, POWERS of Rockport, QUINT of
Portland, TOWNSEND of Portland, VOLENIK of Brooklin, Senators: PINGREE of Knox,
RAND of Cumberland.

2
3 Be it enacted by the People of the State of Maine as follows:

4 **Sec. 1. 22 MRSA §2152, sub-§§2-A, 4-D and 4-F** are enacted to
5 read:

6 **2-A. Distributor.** "Distributor" means a person who sells
7 or transports or causes the sale or transportation of food for
8 human consumption at a point between a manufacturer and a retail
9 food establishment.

10 **4-D. Genetically engineered food.** "Genetically engineered
11 food" means a substance for human consumption containing a
12 genetic material from another species or a genetic material
13 assembled in vitro, which genetic material is introduced into the
14 substance by nonsexual means as the result of a current or
15 previous application of a recombinant deoxyribonucleic acid, or
16 rDNA, technique or other similar technique for genetic
17 manipulation capable of combining or introducing genetic material
18 from dissimilar organisms, or a substance containing a
19 genetically engineered food or part of that genetically
20 engineered food as an ingredient. "Genetically engineered food"
21 does not include a food developed exclusively through traditional
22 methods of breeding, such as artificial insemination, embryo
23 transfer, hybridization or nondirected mutagenesis, nor does it
24 include foods containing extracted products of a genetically
25 engineered organism with no more than trace amounts of the
26 organism itself or its genetic material.

27 **4-F. Genetic material.** "Genetic material" means
28 deoxyribonucleic acid, or DNA, or ribonucleic acid, or RNA.

29 **Sec. 2. 22 MRSA §2152, sub-§7-A,** as enacted by PL 1979, c.
30 672, Pt. A, §53, is repealed and the following enacted in its
31 place:

32 **7-A. Retail food establishment.** "Retail food
33 establishment" means an establishment at which food is sold or
34 offered for sale for off-premises consumption and does not
35 include restaurants.

36 **Sec. 3. 22 MRSA §2152, sub-§§9 and 10** are enacted to read:

37 **9. Manufacturer.** "Manufacturer" means a person who owns,
38 leases, operates, controls or supervises a plant, farm or any
39 other facility at which food for human consumption is produced.

40 **10. Retailer.** "Retailer" means a person who owns, leases,
41 operates, controls or supervises a retail food establishment.

2 **Sec. 4. 22 MRSA §2157, sub-§11**, as amended by PL 1985, c. 676,
3 §2, is further amended to read:

4
5 **11. Artificial flavoring and coloring.** If it bears or
6 contains any artificial flavoring, artificial coloring or
7 chemical preservative, unless it bears labeling stating the
8 fact. If the artificial flavoring and artificial coloring
9 declaration does not refer to the entire contents of the package,
10 the words "artificial flavoring" and "artificial coloring" must
11 follow immediately each of the ingredients of the package
12 containing one or more of these substances. The common or usual
13 name of any chemical preservative must be immediately followed by
14 the words "chemical preservation". To the extent that
15 compliance with the requirements of this subsection is
16 impracticable, exemptions shall must be established by
17 ~~regulations--promulgated rules adopted by the Commissioner--of~~
18 ~~"Agriculture, Food and Rural Resources"~~ commissioner. This
19 subsection, and subsections 7 and 9, with respect to artificial
20 coloring, shall do not apply in the case of butter, cheese or ice
21 cream; ~~or~~

22
23 **Sec. 5. 22 MRSA §2157, sub-§13, ¶C**, as enacted by PL 1989, c.
24 115, is amended to read:

25 C. There is a conspicuously displayed directory to which
26 customers can refer for information on the contents of
27 unpackaged products offered for sale;

28
29 **Sec. 6. 22 MRSA §2157, sub-§14, ¶C**, as amended by PL 1991, c.
30 506, §5, is further amended to read:

31
32 C. The owner or manager of a retail outlet shall ensure
33 that produce without post-harvest treatment, as determined
34 by the commissioner, is identified by a sign contiguous to
35 the specific produce;

36
37 **Sec. 7. 22 MRSA §2157, sub-§§15 and 16** are enacted to read:

38
39 **15. Sale by manufacturer or distributor of genetically**
40 **engineered food.** If a manufacturer or distributor sells any
41 genetically engineered food, unless the invoice for that
42 particular food is correctly marked with the words "genetically
43 engineered"; and

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45 **16. Sale by retailer of genetically engineered food.** If a
46 retailer sells, offers for sale or exposes for sale any
47 genetically engineered food unless:
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A. The package in which that food is offered for sale conspicuously bears a label or stamp indicating that the food is genetically engineered; or

B. When the food is offered for consumption and is not packaged, a conspicuous label or sign is placed on the food or immediately next to the food indicating that the food is genetically engineered.

Sec. 8. 22 MRSA §2166, as amended by PL 1991, c. 230, §2, is further amended by adding at the end a new paragraph to read:

It is an affirmative defense in an action or proceeding against a distributor or retailer for a violation of section 2157 if the person from whom the distributor or retailer purchased a genetically engineered food did not provide notice on the delivery tickets and invoices of the information described in section 2157, subsections 15 and 16.

SUMMARY

This bill requires the labeling by retailers of genetically engineered food.