

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1733

S.P. 569

In Senate, March 22, 2001

An Act to Prohibit the Misbranding of Genetically Engineered Food.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.
Cosponsored by Representative GOOLEY of Farmington and
Senators: EDMONDS of Cumberland, LaFOUNTAIN of York, McALEVEY of York,
NUTTING of Androscoggin, Representatives: PATRICK of Rumford, USHER of Westbrook.

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

4 **Sec. 1. 7 MRSA c. 101, sub-c. VII is enacted to read:**

6 **SUBCHAPTER VII**

8 **LABELING FOODS FREE OF GENETIC ENGINEERING**

10 **§530-A. Voluntary labeling**

12 **1. Labeling permitted; rules.** Beginning January 1, 2003, a
14 label may be placed on any food, food product or food ingredient
16 offered for sale in the State designating that food, food product
18 or food ingredient as free of or made without recombinant
deoxyribonucleic acid technology, genetic engineering or
bioengineering. The department shall adopt rules implementing
this subsection. Rules adopted pursuant to this subsection are
major substantive rules as defined in Title 5, chapter 375,
subchapter II-A.

20 **2. Department verification.** The department may investigate
22 a business operation that claims a food, food product or food
24 ingredient sold in the State by the business operation is free of
or made without recombinant deoxyribonucleic acid technology,
genetic engineering or bioengineering for the purposes of
26 verifying the claim.

28 **3. Misbranding.** If a manufacturer, distributor, processor,
30 wholesaler or retailer falsely labels or advertises any food,
32 food product or food ingredient offered for sale in the State as
free of or made without recombinant deoxyribonucleic acid
34 technology, genetic engineering or bioengineering, the food, food
product or food ingredient is misbranded in violation of section
488.

36 **Sec. 2. Rules.** In adopting rules implementing the Maine
38 Revised Statutes, Title 7, section 530-A, subsection 1, the
40 Department of Agriculture, Food and Rural Resources shall base
its proposed rule on the United States Food and Drug
42 Administration "Draft Guidance for Industry: Voluntary Labeling
Indicating Whether Foods Have or Have Not Been Developed Using
44 Bioengineering," set forth in the Federal Register on January 18,
2001, Vol. 66, No. 12, pages 4839-4842.

46 **SUMMARY**

48 This bill permits the use of a label on any food, food
product or food ingredient that indicates that the product is
50 free of or made without recombinant deoxyribonucleic acid

2 technology, genetic engineering or bioengineering, in accordance
with rules adopted by the Department of Agriculture, Food and
Rural Resources.