

MAINE STATE LEGISLATURE

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L.D. 1326

Date: 3-24-16

(Filing No. S-434)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

SENATE

127TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 478, L.D. 1326, Bill, "An Act To Require Labeling of All Genetically Modified Products "

Amend the bill by striking out the title and substituting the following:

'An Act To Strengthen Maine's Genetically Modified Products Labeling Law'

Amend the bill by striking out all of sections 1 to 9 (page 1, lines 2 to 37 and page 2, lines 1 to 26 in L.D.) and inserting the following:

'Sec. 1. 22 MRSA §2593, as enacted by PL 2013, c. 436, §1 and affected by §2, is amended to read:

§2593. Disclosure requirements for genetically engineered food and seed stock

1. Disclosure. Beginning 18 months after the effective date of this section, any food or seed stock offered for retail sale that is genetically engineered must be accompanied by a conspicuous disclosure that states "Produced with Genetic Engineering." The statement must be located on the package for all packaged food or seed stock or, in the case of unpackaged food or seed stock, on a card or label on the store shelf or bin in which the food or seed stock is displayed.

~~**2. Use of term "natural."** A food that is subject to disclosure under subsection 1 may not be described on the label or by similar identification as "natural."~~

3. Misbranding. Any food or seed stock that is genetically engineered that does not display the disclosure required under subsection 1 ~~or that is labeled or identified as natural in violation of subsection 2~~ is considered misbranded for the purposes of chapter 551, subchapter 1 except that:

A. A food or seed stock is not considered misbranded if the food or seed stock is produced by a person who:

- (1) Grows, raises or otherwise produces that food or seed stock without knowledge that the food or seed stock was created from other seed or other food that was genetically engineered; and

COMMITTEE AMENDMENT

1 (2) Obtains a sworn statement from the person from whom the food or seed
 2 stock was obtained that the food or seed stock was not knowingly genetically
 3 engineered and was segregated from and not knowingly commingled with a food
 4 or seed stock component that may have been genetically engineered;

5 B. A food product derived from an animal is not considered misbranded if the animal
 6 was not genetically engineered but was fed genetically engineered feed; and

7 C. A packaged processed food is not considered misbranded if the total weight of the
 8 processed food that was genetically engineered is less than 0.9% of the total weight
 9 of the processed food.

10 **4. Rules.** The commissioner may adopt routine technical rules under Title 5, chapter
 11 375, subchapter 2-A for the administration and enforcement of this chapter.

12 **Sec. 2. 22 MRSA §2594, sub-§1,** as enacted by PL 2013, c. 436, §1 and affected
 13 by §2, is amended to read:

14 **1. Reliance on affidavit.** A distributor or retailer that sells or advertises food or
 15 seed stock that is genetically engineered that fails to make the disclosure required under
 16 section 2593, subsection 1 is not subject to liability in any civil action to enforce this
 17 chapter if the distributor or retailer relied on the affidavit under section 2596 provided by
 18 the producer or grower stating that the food or seed stock is not subject to the disclosure
 19 requirements under this chapter.

20 **Sec. 3. 22 MRSA §2596,** as enacted by PL 2013, c. 436, §1 and affected by §2, is
 21 amended to read:

22 **§2596. Affidavit**

23 The commissioner shall develop an affidavit form that may be provided by a
 24 producer or grower of food or seed stock to distributors and retailers and that may be
 25 included in shipments of food or seed stock within the State certifying that the food or
 26 seed stock being sold or shipped is not subject to the disclosure requirements of this
 27 chapter.'

28 Amend the bill by inserting after section 10 the following:

29 **'Sec. 11. Appropriations and allocations.** The following appropriations and
 30 allocations are made.

31 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

32 **Division of Quality Assurance and Regulation 0393**

33 Initiative: Provides funding for one-time rule-making costs.

34	GENERAL FUND	2015-16	2016-17
35	All Other	\$0	\$2,500
36			
37	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$2,500</u>

38 **Division of Quality Assurance and Regulation 0393**

COMMITTEE AMENDMENT "A" to S.P. 478, L.D. 1326

1 Initiative: Provides funding for 2 Consumer Protection Inspector positions, one Office
 2 Associate II position and other related costs.

3	GENERAL FUND	2015-16	2016-17
4	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
5	Personal Services	\$0	\$157,210
6	All Other	\$0	\$18,250
7			
8	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$175,460</u>

9 **Office of the Commissioner 0401**

10 Initiative: Provides funding for costs related to 2 new Consumer Protection Inspector
 11 positions and one Office Associate II position.

12	GENERAL FUND	2015-16	2016-17
13	All Other	\$0	\$4,062
14			
15	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$4,062</u>

16	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
17	All Other	\$0	\$748
18			
19	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$748</u>

20	AGRICULTURE, CONSERVATION AND		
21	FORESTRY, DEPARTMENT OF		
22	DEPARTMENT TOTALS	2015-16	2016-17
23			
24	GENERAL FUND	\$0	\$182,022
25	OTHER SPECIAL REVENUE FUNDS	\$0	\$748
26			
27	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$182,770</u>
28			

29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
 30 section number to read consecutively.

31 **SUMMARY**

32 This amendment, which is the minority report of the committee, removes most of the
 33 provisions of the bill. The amendment requires disclosure of genetic engineering at the
 34 point of retail sale for seed stock and provides that seed stock for which the disclosure is
 35 not made is considered to be misbranded and subject to the sanctions for misbranding.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT “ A ” to S.P. 478, L.D. 1326

1 The amendment retains the provision of the bill that repeals the section of Public Law
2 2013, chapter 436 that provides that Maine's genetically modified food products labeling
3 law does not take effect until 4 other contiguous states enact similar laws.

4 The amendment repeals the provision that food may not be labeled as natural if it has
5 been genetically engineered.

6 The amendment also adds an appropriations and allocations section to the bill.

7 **FISCAL NOTE REQUIRED**

8 **(See attached)**



127th MAINE LEGISLATURE

LD 1326

LR 1258(03)

An Act To Require Labeling of All Genetically Modified Products

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-434)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$0	\$182,022	\$249,417	\$259,002
Appropriations/Allocations				
General Fund	\$0	\$182,022	\$249,417	\$259,002
Other Special Revenue Funds	\$0	\$748	\$1,000	\$1,000

Fiscal Detail and Notes

Current law requires that if at least five contiguous states, including Maine, adopt legislation requiring mandatory labeling of genetically engineered food by January 1, 2018, then food offered for retail sale that is genetically engineered requires disclosure. This bill requires labeling in Maine by removing the requirement that five contiguous states adopt labeling. The bill also adds required disclosures for genetically engineered seed stock offered for retail sale. The bill includes General Fund appropriations of \$182,022 and Other Special Revenue Funds allocations of \$748 in fiscal year 2016-17 to the Department of Agriculture, Conservation and Forestry for two Consumer Protection Inspector positions, one Office Associate II position and other related costs.

The Department of the Attorney General may require additional General Fund appropriations for litigation costs resulting from this bill. No estimate of this cost is made at this time.