

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1326

S.P. 478

In Senate, April 14, 2015

An Act To Require Labeling of All Genetically Modified Products

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BURNS of Washington. (BY REQUEST)
Cosponsored by Senators: COLLINS of York, SAVIELLO of Franklin.

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

2 **Sec. 1. 22 MRSA §2591, sub-§1**, as enacted by PL 2013, c. 436, §1 and affected
3 by §2, is amended to read:

4 **1. Public health and safety.** Promote ~~food~~ safety and protect public health by
5 enabling consumers to avoid the potential risks associated with genetically engineered
6 ~~foods~~ products and serve as a risk management tool enabling consumers, physicians and
7 scientists to identify unintended health effects resulting from ~~the consumption of~~
8 genetically engineered ~~foods~~ products;

9 **Sec. 2. 22 MRSA §2591, sub-§3**, as enacted by PL 2013, c. 436, §1 and affected
10 by §2, is amended to read:

11 **3. Consumer confusion and inadvertent deception.** Reduce and prevent consumer
12 confusion and inadvertent deception and promote the disclosure of factual information on
13 ~~food~~ product labels to allow consumers to make informed decisions;

14 **Sec. 3. 22 MRSA §2592, sub-§4**, as enacted by PL 2013, c. 436, §1 and affected
15 by §2, is repealed.

16 **Sec. 4. 22 MRSA §2592, sub-§5** is enacted to read:

17 **5. Genetically modified product.** "Genetically modified product" means food
18 containing genetically engineered material, genetically engineered seed stock, any
19 product made from animals fed genetically engineered food, medicine manufactured
20 using genetically engineered plant or animal material or any other product containing
21 genetically engineered materials.

22 **Sec. 5. 22 MRSA §2593, sub-§1**, as enacted by PL 2013, c. 436, §1 and affected
23 by §2, is amended to read:

24 **1. Disclosure requirements for genetically modified products.** Beginning ~~18~~
25 ~~months after the effective date of this section~~ January 1, 2017, any ~~food~~ genetically
26 modified product offered for retail sale ~~that is genetically engineered~~ must be
27 accompanied by a conspicuous disclosure that states "~~Produced with Genetic~~
28 ~~Engineering.~~" "Genetically Modified Product" and includes a list of genetically
29 engineered materials used in its manufacture. The statement and list of genetically
30 engineered materials must be located on the package ~~for all packaged food of any~~
31 packaged genetically modified product or, in the case of an ~~unpackaged food~~ genetically
32 modified product, on a card or label on the store shelf or bin in which the ~~food~~ product is
33 displayed.

34 **Sec. 6. 22 MRSA §2593, sub-§3**, as enacted by PL 2013, c. 436, §1 and affected
35 by §2, is amended to read:

36 **3. Misbranding.** Any ~~food that is genetically engineered~~ genetically modified
37 product that does not display the disclosure required under subsection 1 or that is labeled

1 or identified as natural in violation of subsection 2 is considered misbranded for the
2 purposes of chapter 551, subchapter 1 ~~except that:~~

3 ~~A. A food is not considered misbranded if the food is produced by a person who:~~

4 ~~(1) Grows, raises or otherwise produces that food without knowledge that the~~
5 ~~food was created from other seed or other food that was genetically engineered;~~
6 ~~and~~

7 ~~(2) Obtains a sworn statement from the person from whom the food was~~
8 ~~obtained that the food was not knowingly genetically engineered and was~~
9 ~~segregated from and not knowingly commingled with a food component that may~~
10 ~~have been genetically engineered;~~

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

13 ~~C. A packaged processed food is not considered misbranded if the total weight of the~~
14 ~~processed food that was genetically engineered is less than 0.9% of the total weight~~
15 ~~of the processed food.~~

16 **Sec. 7. 22 MRSA §2594**, as enacted by PL 2013, c. 436, §1 and affected by §2, is
17 repealed.

18 **Sec. 8. 22 MRSA §2595, sub-§3**, as enacted by PL 2013, c. 436, §1 and affected
19 by §2, is amended to read:

20 **3. Penalty.** A person who violates this chapter commits ~~a civil violation for which a~~
21 ~~fine may be assessed that may not exceed \$1,000 per day per misbranded product per~~
22 ~~sales location~~ a Class E crime for the first offense, except that the term of imprisonment
23 may not exceed 5 days, and a Class D crime for the 2nd and subsequent offenses, except
24 that the term of imprisonment may not exceed 6 months.

25 **Sec. 9. 22 MRSA §2596**, as enacted by PL 2013, c. 436, §1 and affected by §2, is
26 repealed.

27 **Sec. 10. PL 2013, c. 436, §2** is repealed.

28 SUMMARY

29 This bill defines "genetically modified product," which includes genetically
30 engineered seed stock, products from animals fed genetically engineered food and
31 medicines that were manufactured with genetically engineered plants or animals to the
32 laws regarding the labeling of genetically engineered products. It requires the disclosure
33 of genetic engineering of food, seed stock, products from animals fed genetically
34 engineered food or medicines that were manufactured with genetically engineered plants
35 or animals beginning January 1, 2017. It provides that food, seed stock, products from
36 animals fed genetically engineered food and medicines for which the disclosure is not
37 made are considered to be misbranded and subject to the sanctions for misbranding. The
38 bill removes exemptions for products produced without knowledge that the products, or
39 items used in their production, were genetically engineered; animal products derived from

1 an animal that was not genetically engineered but was fed genetically engineered food;
2 and products with only a minimum content produced by genetic engineering. The bill also
3 removes the exemption from disclosure requirements as regards restaurants, alcoholic
4 beverages or medical food. This bill increases the penalties for nondisclosure and
5 misbranding to a Class E crime for the first offense and a Class D crime for the 2nd and
6 subsequent offenses. The bill repeals the contingent effective date established by Public
7 Law 2013, chapter 436, section 2, subsection 1.