AN ACT
RELATING TO FOOD AND DRUGS -- GENETICALLY MODIFIED ORGANISMS TO BE LABELED

Introduced By: Senator William A.Walaska

Date Introduced: January 30, 2014

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby amended by adding thereto the following chapter:

CHAPTER 37
LABELING OF FOOD PRODUCTS CONTAINING GENETICALLY MODIFIED ORGANISMS

21-37-1. Findings and declarations. — (a) Rhode Island consumers have the right to know whether the foods they purchase were produced using genetic engineering. Genetic engineering of plants and animals often causes unintended consequences. Manipulating genes and inserting them into organisms is an imprecise process. The results are not always predictable or controllable, and they can lead to adverse health or environmental consequences.

(b) Government scientists have stated that the artificial insertion of DNA into plants, a technique unique to genetic engineering, can cause a variety of significant problems with plant foods. Such genetic engineering can increase the levels of known toxicants in foods and introduce new toxicants and health concerns.

(c) Mandatory identification of foods produced through genetic engineering can provide a critical method for tracking the potential health effects of eating genetically engineered foods.

(d) Without disclosure, consumers of genetically engineered food can unknowingly violate their own dietary and religious restrictions.
(e) The cultivation of genetically engineered crops can also cause serious impacts to the environment. For example, most genetically engineered crops are designed to withstand weed-killing pesticides known as herbicides. As a result, hundreds of millions of pounds of additional herbicides have been used on U.S. farms. Because of the massive use of such products, herbicide-resistant weeds have flourished – a problem that has resulted, in turn, in the use of increasingly toxic herbicides. These toxic herbicides damage our agricultural areas, impair our drinking water, and pose health risks to farm workers and consumers. Rhode Island consumers should have the choice to avoid purchasing foods, production of which can lead to such environmental harm.

(f) Organic farming is a significant and increasingly important part of Rhode Island agriculture.

(g) Organic farmers are prohibited from using genetically engineered seeds. Nonetheless, these farmers’ crops are regularly threatened with accidental contamination from neighboring lands where genetically engineered crops abound. This risk of contamination can erode public confidence in Rhode Island’s organic products, significantly undermining this industry. Rhode Islanders should have the choice to avoid purchasing foods whose production could harm the state’s organic farmers and its organic foods industry.

(h) The labeling, advertising, and marketing of genetically engineered foods using terms such as “natural,” “naturally made,” “naturally grown,” or “all natural” is misleading to Rhode Island consumers.

21-37-2. Purpose. – The purpose of this chapter is to provide a framework for the traceability of products consisting of or containing genetically modified organisms (GMOs), and food and feed produced from GMOs, with the objectives of facilitating accurate labeling, monitoring the effects on the environment and, where appropriate, on health, and the implementation of the appropriate risk management measures including, if necessary, withdrawal of products.

21-37-3. Scope and applicability of chapter. – (a) This chapter shall apply, at all stages of the placing on the open market for sale in Rhode Island, to:

(1) Products consisting of, or containing, GMOs, placed on the market for sale in Rhode Island;

(2) Food produced from GMOs, placed on the market for sale in Rhode Island; and

(3) Feed produced from GMOs, placed on the market for sale and/or use in Rhode Island.

(b) This chapter shall not apply to medicinal products for human and veterinary use authorized under title 23 (“Health and Safety”).

(c) This chapter shall apply only to products containing genetically modified organisms.
that are produced or made in Rhode Island.

(d) All products under the scope of this chapter which are sold at farmer's markets shall be exempt from the provisions of this chapter.

21-36-4. Definitions. – As used in this chapter, the following terms shall have the following meanings unless the context clearly specifies otherwise:

(1) "Genetically modified organism" or "GMO" means an organism whose genetic characteristics have been altered by the insertion of a modified gene or a gene from another organism using the techniques of genetic engineering;

(2) "Produced from GMOs" means derived, in whole or in part, from GMOs, but not containing or consisting of GMOs;

(3) "Traceability" means the ability to trace GMOs and products produced from GMOs at all stages of their placing on the market through the production and distribution chains;

(4) "Unique identifier" means a simple numeric or alphanumeric code which serves to identify a GMO on the basis of the authorized transformation event from which it was developed and providing the means to retrieve specific information pertinent to that GMO;

(5) "Operator" means a natural or legal person who places a product on the market for sale in Rhode Island or who receives a product that has been placed on the market in the state, at any stage of the production and distribution chain, but does not include the final consumer;

(6) "Final consumer" means the ultimate consumer who will not use the product as part of any business operation or activity;

(7) "Placing on the market" means placing on the market for sale in Rhode Island;

(8) "The first stage of the placing on the market of a product" means the initial transaction in the production and distribution chains, where a product is made available to a third party;

(9) "Pre-packaged product" means any single item offered for sale consisting of a product and the packaging into which it was put before being offered for sale, whether such packaging encloses the product completely or only partially, provided that the contents cannot be altered without opening or changing the packaging.

21-36-5. Traceability and labeling requirements for products consisting of or containing GMOs. – (a) Traceability.

(1) At the first stage of the placing on the market of a product consisting of or containing GMOs, including bulk quantities, operators shall ensure that the following information is transmitted in writing to the operator receiving the product:

(i) That it contains or consists of GMOs:
(ii) An identification of the GMOs within the product.

(2) At all subsequent stages of the placing on the market of products referred to in paragraph (a)(1)(i), operators shall ensure that the information received in accordance with paragraph (a)(1)(i) and (ii) is transmitted in writing to the operators receiving the products.

(3) In the case of products consisting of or containing mixtures of GMOs to be used only and directly as food or feed or for processing, the information referred to in paragraph (a)(1)(ii) may be replaced by a declaration of use by the operator, accompanied by a list of the unique identifiers for all those GMOs that have been used to constitute the mixture.

(4) Operators shall have in place systems and standardized procedures to allow the holding of information specified in this section and the identification, for a period of five (5) years from each transaction, of the operator by whom and the operator to whom the products have been made available.

(b) Labeling.

(1) For products consisting of or containing GMOs, operators shall ensure that:

(i) For pre-packaged products offered to the final consumer consisting of, or containing GMOs, the words "This product contains genetically modified organisms" or "This product contains genetically modified [name of organism(s)]" appear on a label;

(ii) For non-pre-packaged products offered to the final consumer the words "This product contains genetically modified organisms" or "This product contains genetically modified [name of organism(s)]" shall appear on, or in connection with, the display of the product.

(c) Exemptions.

(1) This section shall not apply to traces of GMOs in products in a proportion no higher than one percent (1%) of the entire food product.

21-36-6. Traceability requirements for products for food and feed produced from GMOs. — (a) When placing products produced from GMOs on the market in Rhode Island, operators shall ensure that the following information is transmitted in writing to the operator receiving the product:

(1) An indication of each of the food ingredients which is produced from GMOs;

(2) An indication of each of the feed materials or additives which is produced from GMOs.

(3) In the case products for which no list of ingredients exists, an indication that the product is produced from GMOs.

(b) Operators shall have in place systems and standardized procedures to allow the holding of the information specified in this section and the identification, for a period of five (5)
years from each transaction, of the operator by whom and to whom the products have been made available.

(c) This section shall not apply to traces of GMOs in products for food and feed produced from GMOs in a proportion no higher than one percent (1%) of the entire food product.

21-36-7. Department to review. – The department of health shall monitor compliance with this chapter by persons and entities engaged in food production, service, manufacture, and/or distribution in Rhode Island. This monitoring shall also include compliance in regard to food and feed produced from GMOs. The department shall report annually to the general assembly on the status of compliance by food preparers, distributors, and manufacturers, by March 15 of each year.

SECTION 2. This act shall take effect on July 1, 2015.
This act would require that food or food products produced or made in Rhode Island only, derived from or containing genetically modified organisms be labeled as such by the manufacturer, retailer, or other person before putting it on the market for sale in Rhode Island. This act would take effect on July 1, 2015.