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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

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

Introduced By: Senator William A. Walaska

Date Introduced: January 22, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

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

3 CHAPTER 37

4 LABELING OF FOOD PRODUCTS CONTAINING GENETICALLY MODIFIED

5 ORGANISMS

6 **21-37-1. Findings and declarations. --** (a) Rhode Island consumers have the right to
7 know whether the foods they purchase were produced using genetic engineering. Genetic
8 engineering of plants and animals often causes unintended consequences. Manipulating genes and
9 inserting them into organisms is an imprecise process. The results are not always predictable or
10 controllable, and they can lead to adverse health or environmental consequences.

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

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

17 (d) Without disclosure, consumers of genetically engineered food can unknowingly
18 violate their own dietary and religious restrictions.

1 (e) The cultivation of genetically engineered crops can also cause serious impacts to the
2 environment. For example, most genetically engineered crops are designed to withstand weed-
3 killing pesticides known as herbicides. As a result, hundreds of millions of pounds of additional
4 herbicides have been used on U.S. farms. Because of the massive use of such products, herbicide-
5 resistant weeds have flourished a problem that has resulted, in turn, in the use of increasingly
6 toxic herbicides. These toxic herbicides damage our agricultural areas, impair our drinking water,
7 and pose health risks to farm workers and consumers. Rhode Island consumers should have the
8 choice to avoid purchasing foods, production of which can lead to such environmental harm.

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

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

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

20 **21-37-2. Purpose.** -- The purpose of this chapter is to provide a framework for the
21 traceability of products consisting of or containing genetically modified organisms (GMOs), and
22 food and feed produced from GMOs, with the objectives of facilitating accurate labeling,
23 monitoring the effects on the environment and, where appropriate, on health, and the
24 implementation of the appropriate risk management measures including, if necessary, withdrawal
25 of products.

26 **21-37-3. Scope and applicability of chapter.** -- (a) This chapter shall apply, at all stages
27 of the placing on the open market for sale in Rhode Island, to:

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

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

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

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

34 (c) This chapter shall apply only to products containing genetically modified organisms

1 that are produced or made in Rhode Island.

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

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

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

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

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

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

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

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

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

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

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

29 **21-36-5. Traceability and labeling requirements for products consisting of or**
30 **containing GMOs. --** (a) Traceability.

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

34 (i) That it contains or consists of GMOs;

1 (ii) An identification of the GMOs within the product.

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

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

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

13 (b) Labeling.

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

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

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

21 (c) Exemptions.

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

24 **21-36-6. Traceability requirements for products for food and feed produced from**

25 **GMOs.** -- (a) When placing products produced from GMOs on the market in Rhode Island,
26 operators shall ensure that the following information is transmitted in writing to the operator
27 receiving the product:

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

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

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

33 (b) Operators shall have in place systems and standardized procedures to allow the
34 holding of the information specified in this section and the identification, for a period of five (5)

1 years from each transaction, of the operator by whom and to whom the products have been made
2 available.

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

5 **21-36-7. Department to review. --** The department of health shall monitor compliance
6 with this chapter by persons and entities engaged in food production, service, manufacture, and/or
7 distribution in Rhode Island. This monitoring shall also include compliance in regard to food and
8 feed produced from GMOs. The department shall report annually to the general assembly on the
9 status of compliance by food preparers, distributors, and manufacturers, by March 15 of each
10 year.

11 SECTION 2. This act shall take effect on July 1, 2016.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO FOOD AND DRUGS -- GENETICALLY MODIFIED ORGANISMS TO BE
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1 This act would facilitate accurate labeling for food or food products that are produced or
2 made in Rhode Island and consist of or contain genetically modified organisms. It would require
3 the manufacturer or retailer to label such items before putting them on the market for sale in
4 Rhode Island.

5 This act would take effect on July 1, 2016.

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