

August 3, 2012

MEMO TO: G. Riki Hokama, Chair
Policy Committee

F R O M: Elle Cochran
Council Member



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO 2013
HAWAII STATE ASSOCIATION OF COUNTIES ("HSAC")
LEGISLATIVE PACKAGE (POL-3(5))**

The attached legislative proposal pertains to Item 3(5) on your committee's agenda.

paf:cmn:12-159c

Attachment

OFFICE OF THE
COUNTY COUNCIL

12 AUG -3 AM 1:07

RECEIVED

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2013 HAWAII
STATE ASSOCIATION OF COUNTIES LEGISLATIVE
PACKAGE A STATE BILL REQUIRING THE
LABELING OF GENETICALLY ENGINEERED FOOD
PRODUCTS

WHEREAS, the growth of genetically engineered food production has been swift and pervasive throughout the nation; and

WHEREAS, the long-term effects of consuming genetically engineered foods are unclear, and without mandatory labeling requirements of these foods consumers may unknowingly be putting their health at risk; and

WHEREAS, consumers should have the right to know what is in food available for sale so that they can make informed choices; and

WHEREAS, enactment of State legislation requiring the labeling of genetically engineered food products would meet the demand of Hawaii's residents for informed choices concerning the foods they consume; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A", to require the labeling of genetically engineered food products sold in the State, is approved for inclusion in the 2013 Hawaii State Association of Counties ("HSAC") Legislative Package; and
2. That a certified copy of this resolution be transmitted to the HSAC Executive Committee.

Exhibit "A"

A BILL FOR AN ACT

RELATING TO FOOD LABELING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 328, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§328- Genetically engineered material; labeling
5 requirement. (a) Beginning January 1, 2014, no food or raw
6 agricultural commodity shall be sold in the State if it contains
7 a genetically engineered material, or was produced with a
8 genetically engineered material, unless it bears a label that
9 provides the following disclosure notice in bold-face print and
10 not less than ten-point type:

11 "THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL,
12 OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL."

13 (b) A food shall be considered to have been produced with
14 a genetically engineered material if:

15 (1) The organism from which the food is derived has been
16 injected or otherwise treated with a genetically
17 engineered material (except that the use of manure as

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1 a fertilizer for raw agricultural commodities may not
2 be construed to mean that those commodities are
3 produced with a genetically engineered material);

4 (2) The animal from which the food is derived has been fed
5 genetically engineered material; or

6 (3) The food contains an ingredient that is a food to
7 which paragraph (1) or (2) applies.

8 (c) For the purposes of this section:

9 "Genetically engineered material" means material derived
10 from any part of a genetically engineered organism, without
11 regard to whether the altered molecular or cellular
12 characteristics of the organism are detectable in the material.

13 "Genetically engineered organism" means:

14 (1) An organism that has been altered at the molecular or
15 cellular level by means that are not possible under
16 natural conditions or processes (including recombinant
17 deoxyribonucleic acid and ribonucleic acid techniques,
18 cell fusion, microencapsulation, macroencapsulation,
19 gene deletion and doubling, introducing a foreign
20 gene, and changing the positions of genes), other than
21 a means consisting exclusively of breeding,

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1 conjugation, fermentation, hybridization, in vitro
2 fertilization, tissue culture, or mutagenesis; or

3 (2) An organism made through sexual or asexual
4 reproduction, or both, involving an organism described
5 in paragraph (1), if possessing any of the altered
6 molecular or cellular characteristics of the organism
7 so described.

8 (d) This section shall not apply to food that is:

9 (1) Served in restaurants or other establishments in which
10 food is served for immediate human consumption;

11 (2) Processed and prepared primarily in a retail
12 establishment and is ready for human consumption, of
13 the type described in paragraph (1), and is offered
14 for sale to consumers but not for immediate human
15 consumption in the establishment and is not offered
16 for sale outside the establishment; or

17 (3) A medical food as defined in section 346-67.

18 (e) A violation of any provision of this section, or any
19 rule adopted pursuant to this chapter, shall be punishable by a
20 fine of not more than \$1,000 for each violation.

21 (f) The director of health shall adopt rules, pursuant to
22 chapter 91, necessary for the purposes of this section,

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1 including rules for the testing of foods to determine the
2 presence and content of genetically engineered material."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect upon its approval.

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6 INTRODUCED BY: _____

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