

HOUSE No. 3801

By Ms. Story of Amherst, petition of Ellen Story and others relative to the definition of genetically engineered material in the labeling of food. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Ellen Story	Denise Provost
Barbara A. L'Italien	Patricia D. Jehlen
Anthony J. Verga	Carl M. Sciortino, Jr.
John W. Scibak	Steven J. D'Amico

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE LABELING OF FOOD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 94 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 inserting after the definition of "Food" the following new defini-
4 tion:—
5 "Genetically engineered material", any material derived in whole
6 or in part from processes, as identified by the national organic pro-
7 gram of the U.S. department of agriculture, used to modify geneti-
8 cally organisms or influence their growth and development by
9 means that are not possible under natural conditions or processes.
10 Such methods include cell fusion, microencapsulation and macroen-
11 capsulation, and recombinant DNA technology (including gene dele-
12 tion, gene doubling, introducing a foreign gene, and changing the
13 positions of genes when achieved by recombinant DNA technology).
14 Such methods do not include the use of traditional breeding, conju-
15 gation, fermentation, hybridization, in vitro fertilization, or tissue
16 culture. Material grown from genetically engineered seed and genet-
17 ically engineered plant parts shall be considered genetically engi-
18 neered material.

1 SECTION 2. Chapter 94 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by adding after section
3 184E the following new section:—

4 Section 184F. The Genetically Engineered Food Right to Know
5 Act.

6 Upon each package or receptacle holding any proprietary or
7 patent food preparation containing genetically engineered material,
8 there shall be a label upon which shall be printed, in plain english, in
9 type not smaller than sixteen point (brevier) capitals:—

10 “Genetically engineered”

11 Also upon each package, appearing in type not smaller than eight
12 point (brevier) capitals:—

13 “This product contains a genetically engineered material, or was
14 produced with a genetically engineered material”.

15 If the size of the package or receptacle will not permit the use of
16 such type, as determined by the manufacturer, and subject to the
17 approval of the director of standards of the division of standards, the
18 size thereof may be reduced proportionately. Whoever manufactures,
19 sells or offers for sale any food preparation in violation of this
20 section shall be punished by a fine of not less than five nor more
21 than one hundred dollars; but no dealer or retailer shall be held liable
22 or be prosecuted under this section if the article is marked as it was
23 when purchased by him and he can establish a guaranty signed by
24 the wholesaler, jobber or manufacturer, residing in this common-
25 wealth, from whom he purchases such article, to the effect that the
26 same is correctly marked as required by this section, designating it,
27 unless said dealer or retailer had reason to believe such guaranty was
28 provided in violation of this section. Such guaranty, to afford pro-
29 tection, shall contain the names and addresses of the parties making
30 the sale of such articles to such dealer.

1 SECTION 3. The director of standards may promulgate regula-
2 tions regarding the implementation and enforcement of section 184F
3 of chapter 94 of the General Laws.

1 SECTION 4. This act shall take effect July 1, 2009.