

SENATE, No. 238

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

**Senators A.R.Bucco, Cardinale, Lesniak, Turner, Bateman, Whelan,
Cunningham, Greenstein, Holzapfel, Pou, Ruiz, P.Barnes, III and Sarlo**

SYNOPSIS

Requires labeling of foods containing genetically modified material.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT requiring labeling of foods that contain genetically
2 modified material and supplementing Title 24 of the Revised
3 Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. As used in this act:

9 “Commissioner” means the Commissioner of Health and Senior
10 Services.

11 “Department” means the Department of Health and Senior
12 Services.

13 “Food” means (1) any food product or article of food that is
14 consumable by a human or an animal, and (2) any item or substance
15 that is intended for use as a food ingredient. “Food” shall not
16 include chewing gum.

17 “Genetically modified food product” means a food that is
18 composed of more than one percent of genetically modified
19 material, as determined in accordance with the standards of
20 measurement and quantification procedures established by the
21 department pursuant to subsection c. of section 2 of this act.

22 “Genetically modified material” means any substance that has
23 been produced, enhanced, or otherwise modified through the use of
24 recombinant deoxyribonucleic acid technology, genetic
25 engineering, or bioengineering.

26 “Label” means a display of written, printed, or graphic matter
27 that appears on a food or on a food’s immediate wrapper, container,
28 or package, or that otherwise accompanies a food at the time of its
29 distribution or sale.

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31 2. a. Every genetically modified food product that is offered
32 for sale in the State shall contain a label indicating that the product
33 contains genetically modified material. The information shall be
34 displayed in a manner that is conspicuous and easily understandable
35 to consumers.

36 b. (1) Any genetically modified food product that is not
37 labeled as such shall be considered to be misbranded in violation of
38 the provisions of R.S.24:5-1 et seq. The commissioner may order
39 the correction of the label on any food that is determined to be
40 misbranded pursuant to this paragraph, and any such order shall be
41 complied with during the time specified thereby.

42 (2) The department may conduct any investigation it deems
43 necessary to verify the accuracy of any labeling or non-labeling of
44 food products pursuant to this act.

45 (3) Any person who misbrands a food as provided in this
46 subsection shall be liable for a penalty as provided by chapter 17 of
47 Title 24 of the Revised Statutes. Any such penalties shall be
48 recovered in accordance with the provisions of 24:17-1 et seq.

1 c. The department, in consultation with the Department of
2 Agriculture, shall adopt rules and regulations pursuant to the
3 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
4 seq.), as are necessary to implement this act. These rules and
5 regulations shall include, but need not be limited to, standards of
6 measurement and procedures for the quantification of genetically
7 modified material in: (1) raw agricultural food, such as fresh meats
8 and vegetables; (2) lightly processed foods, such as breads, pastas,
9 milk and cheeses; and (3) highly processed foods, such as sugars,
10 oils, canned and frozen foods, and condiments. The department
11 shall identify, for each category of food, or for any subcategory
12 thereof, as determined to be necessary, the preferred unit of
13 measurement, the approved methods of measurement, and the
14 requisite sampling protocol for each method of measurement.

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16 3. This act shall take effect on the first day of the sixth month
17 following enactment.

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STATEMENT

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22 This bill would require the labeling of foods that contain
23 genetically modified material. The purpose of this bill is to enable
24 consumers in the State to make knowledgeable decisions about food
25 consumption based upon the disclosure of certain information
26 regarding the composition of the food.

27 Specifically, the bill would provide that any genetically modified
28 food product that is offered for sale in this State must have a label
29 indicating that the food contains genetically modified material.

30 “Genetically modified material” is defined as any substance that
31 has been produced, enhanced, or otherwise modified through the
32 use of recombinant deoxyribonucleic acid technology, genetic
33 engineering, or bioengineering. A food product is considered to be
34 a “genetically modified food product” if it contains more than one
35 percent of genetically modified material, as determined in
36 accordance with the standards and procedures for quantification
37 adopted by the Department of Health and Senior Services (DHSS).

38 The failure to label a genetically modified food product as such
39 would constitute misbranding in violation of pre-existing food and
40 drug labeling law, which provides for a penalty of \$100 for a first
41 offense, \$200 for a second offense, and \$400 for any third or
42 subsequent offense. DHSS would be responsible for administering
43 and enforcing the bill’s provisions.