SENATE, No. 1470

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)

SYNOPSIS
Requires labeling of foods containing genetically engineered material.

CURRENT VERSION OF TEXT
As introduced.
AN ACT requiring labeling of all foods that contain genetically engineered material and supplementing Title 24 of the Revised Statutes.

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

1. As used in this act:
   “Commissioner” means the Commissioner of Health.
   “Department” means the Department of Health.
   “Food” means: (1) any food product or article of food that is consumable by a human, and (2) any item or substance that is intended for use as a food ingredient. “Food” shall include chewing gum.
   “Genetic engineering” means a process by which a food or food ingredient that is produced from an organism or organisms in which the genetic material has been changed through the application of: (1) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid techniques and the direct injection of nucleic acid into cells or organelles; or (2) fusion of cells, including protoplast fusion, or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a matter that does not occur by natural multiplication or natural recombination.
   “In vitro nucleic acid techniques” means techniques including, but not limited to, recombinant deoxyribonucleic acid techniques that use vector systems and techniques involving the direct introduction into organisms of hereditary materials prepared outside the organisms, such as microinjection, macroinjection, chemoporation, electroporation, microencapsulation, and liposome fusion.
   “Label” means a display of written, printed, or graphic matter that appears on a food or on a food’s immediate wrapper, container, or package, or that otherwise accompanies a food at the time of its distribution or sale.

2. a. Every genetically engineered food product that is offered for sale in this State shall contain a label indicating that the product was produced using genetic engineering. The information shall be displayed in a manner that is conspicuous and easily understandable to consumers.
   b. (1) Any genetically engineered food product that is not labeled in accordance with this act shall be considered to be misbranded in violation of the provisions of R.S.24:5-1 et seq. The commissioner may order the correction of the label on any food that is determined to be misbranded pursuant to this paragraph, and any such order shall be complied with during the time specified thereby.
The department may conduct any investigation it deems necessary to verify the accuracy of any labeling or non-labeling of food products pursuant to this act.

(3) Any person who misbrands a food as provided in this subsection shall be liable for the following penalties:

(a) For each first offense a penalty of $200;
(b) For each second offense a penalty of $400;
(c) For each third and every subsequent offense a penalty of $1,000.

Any penalties imposed under this subsection shall be recovered in accordance with the provisions of R.S.24:17-1 et seq.

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

3. This act shall take effect on the first day of the 18th month following enactment.

STATEMENT

This bill requires labeling of all foods containing genetically engineered material. The purpose of this bill is to enable consumers in the State to make knowledgeable decisions about food consumption based upon the disclosure of the content.

Specifically, the bill provides that any genetically engineered food product that is offered for sale in this State must have a label indicating that the food was produced by genetic engineering. “Food” is defined as any food product or article of food that is consumable by a human and any item or substances that is intended for use as a food ingredient.

The bill defines “genetic engineering” as a process by which a food or food ingredient that is produced from an organism or organisms in which the genetic material has been changed through the application of: (1) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid techniques, and the direct
injection of nucleic acid into cells or organelles; or (2) fusion of
cells, including protoplast fusion, or hybridization techniques that
overcome natural physiological, reproductive, or recombination
barriers, where the donor cells or protoplasts do not fall within the
same taxonomic group, in a matter that does not occur by natural
multiplication or natural recombination.

Under the bill, the failure to label a genetically engineered food
product constitutes misbranding and violates current pre-existing
food and drug labeling law, except that there would be a penalty of
$200 for a first offense, $400 for a second offense, and $1,000 for
any third or subsequent offense. The bill provides that the
Department of Health is responsible for administering and enforcing
the bill’s provisions.