

**SENATE, No. 1470**

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**STATE OF NEW JERSEY**

**217th LEGISLATURE**

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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.



**S1470 RUIZ**

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1 **AN ACT** requiring labeling of all foods that contain genetically  
2 engineered 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:*

7

8 1. As used in this act:

9 “Commissioner” means the Commissioner of Health.

10 “Department” means the Department of Health.

11 “Food” means: (1) any food product or article of food that is  
12 consumable by a human, and (2) any item or substance that is  
13 intended for use as a food ingredient. “Food” shall include chewing  
14 gum.

15 “Genetic engineering” means a process by which a food or food  
16 ingredient that is produced from an organism or organisms in which  
17 the genetic material has been changed through the application of:  
18 (1) *in vitro* nucleic acid techniques, including recombinant  
19 deoxyribonucleic acid techniques and the direct injection of nucleic  
20 acid into cells or organelles; or (2) fusion of cells, including  
21 protoplast fusion, or hybridization techniques that overcome natural  
22 physiological, reproductive, or recombination barriers, where the  
23 donor cells or protoplasts do not fall within the same taxonomic  
24 group, in a matter that does not occur by natural multiplication or  
25 natural recombination.

26 “*In vitro* nucleic acid techniques” means techniques including,  
27 but not limited to, recombinant deoxyribonucleic acid techniques  
28 that use vector systems and techniques involving the direct  
29 introduction into organisms of hereditary materials prepared outside  
30 the organisms, such as microinjection, macroinjection,  
31 chemoporation, electroporation, microencapsulation, and liposome  
32 fusion.

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

37

38 2. a. Every genetically engineered food product that is offered  
39 for sale in this State shall contain a label indicating that the product  
40 was produced using genetic engineering. The information shall be  
41 displayed in a manner that is conspicuous and easily understandable  
42 to consumers.

43 b. (1) Any genetically engineered food product that is not  
44 labeled in accordance with this act shall be considered to be  
45 misbranded in violation of the provisions of R.S.24:5-1 et seq. The  
46 commissioner may order the correction of the label on any food that  
47 is determined to be misbranded pursuant to this paragraph, and any  
48 such order shall be complied with during the time specified thereby.

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

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

6 (a) For each first offense a penalty of \$200;

7 (b) For each second offense a penalty of \$400;

8 (c) For each third and every subsequent offense a penalty of  
9 \$1,000.

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

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

27  
28 3. This act shall take effect on the first day of the 18th month  
29 following enactment.

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#### STATEMENT

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

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

44 The bill defines “genetic engineering” as a process by which a  
45 food or food ingredient that is produced from an organism or  
46 organisms in which the genetic material has been changed through  
47 the application of: (1) in vitro nucleic acid techniques, including  
48 recombinant deoxyribonucleic acid techniques, and the direct

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1 injection of nucleic acid into cells or organelles; or (2) fusion of  
2 cells, including protoplast fusion, or hybridization techniques that  
3 overcome natural physiological, reproductive, or recombination  
4 barriers, where the donor cells or protoplasts do not fall within the  
5 same taxonomic group, in a matter that does not occur by natural  
6 multiplication or natural recombination.

7 Under the bill, the failure to label a genetically engineered food  
8 product constitutes misbranding and violates current pre-existing  
9 food and drug labeling law, except that there would be a penalty of  
10 \$200 for a first offense, \$400 for a second offense, and \$1,000 for  
11 any third or subsequent offense. The bill provides that the  
12 Department of Health is responsible for administering and enforcing  
13 the bill's provisions.