

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.

An Act requiring labeling of foods that contain genetically modified 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 and Senior Services.

"Department" means the Department of Health and Senior Services.

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

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

"Genetically modified material" means any substance that has been produced, enhanced, or otherwise modified through the use of recombinant deoxyribonucleic acid technology, genetic engineering, or bioengineering.

"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 modified food product that is offered for sale in the State shall contain a label indicating that the product contains genetically modified material. The information shall be displayed in a manner that is conspicuous and easily understandable to consumers.

b. (1) Any genetically modified food product that is not labeled as such 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.

(2) 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 a penalty as provided by chapter 17 of Title 24 of the Revised Statutes. Any such penalties shall be recovered in accordance with the provisions of 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 modified material in: (1) raw agricultural food, such as fresh meats and vegetables; (2) lightly processed foods, such as breads, pastas, milk and cheeses; and (3) highly processed foods, such as sugars, oils, canned and frozen foods, and condiments. 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 sixth month following enactment.

STATEMENT

This bill would require the labeling of foods that contain genetically modified 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 certain information regarding the composition of the food.

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

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

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