HOUSE DOCKET, NO. 133 FILED ON: 1/7/2013

HOUSE . . . . . No. 2093

The Commonwealth of Massachusetts

PRESENTED BY:

Ellen Story

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the labeling of food.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ellen Story	*3rd Hampshire*
Denise Provost	*27th Middlesex*
Paul W. Mark	*2nd Berkshire*
Peter V. Kocot	*1st Hampshire*
Tricia Farley-Bouvier	*3rd Berkshire*
Mary S. Keefe	*15th Worcester*
William N. Brownsberger	*Second Suffolk and Middlesex*
Tom Sannicandro	*7th Middlesex*
John W. Scibak	*2nd Hampshire*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*

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HOUSE . . . . . No. 2093

By Ms. Story of Amherst, a petition (accompanied by bill, House, No. 2093) of Ellen Story and others relative to the definition of genetically engineered material in the labeling of food. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *630* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

SECTION 1. Section 1 of chapter 94 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the definition of "Food" the following new definition:-

"Genetically engineered material", any material derived in whole or in part from processes, as identified by the national organic program of the U.S. department of agriculture, used to modify genetically organisms or influence their growth and development by means that are not possible under natural conditions or processes. Such methods include cell fusion, microencapsulation and macroencapsulation, and recombinant DNA technology (including gene deletion, gene doubling, introducing a foreign gene, and changing the positions of genes when achieved by recombinant DNA technology). Such methods do not include the use of traditional breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture. Material grown from genetically engineered seed and genetically engineered plant parts shall be considered genetically engineered material.

SECTION 2. Said chapter 94 is hereby amended by adding after section 184E the following new section:-

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

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

"Genetically engineered"

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

"This product contains a genetically engineered material, or was produced with a genetically engineered material."

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

SECTION 3. The director of standards may promulgate regulations regarding the implementation and enforcement of section 184F of chapter 94 of the General Laws.

SECTION 4. This act shall take effect July 1, 2015.