

HOUSE No. 1936

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen L. DiNatale

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 genetically engineered food.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>1/16/2013</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	

HOUSE No. 1936

By Mr. DiNatale of Fitchburg, a petition (accompanied by bill, House, No. 1936) of Stephen L. DiNatale and others relative to genetically engineered food. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to genetically engineered food.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after
2 section 187H, the following section:-

3 Section 187L. (a) The following words as used in this section, unless the context
4 otherwise requires, shall have the following meanings:

5 “Cultivated commercially”, to be grown or raised by a person in the course of business or
6 trade to be sold within the United States.

7 “Enzyme”, a protein that catalyzes chemical reactions of other substances without itself
8 being destroyed or altered upon completion of the reactions.

9 “Genetically engineered”, any food that is produced from an organism or organisms in
10 which the genetic material has been changed through the use of modern bioengineering
11 techniques.

12 “Processed food”, any food other than a raw agricultural commodity, including any food
13 produced from a raw agricultural commodity that has been subject to processing such as canning,
14 smoking, pressing, cooking, freezing, dehydration, fermentation or milling.

15 “Processing aid”, a substance that is added to a food during the processing of such food
16 (i) but is removed from the food before the food is packaged in its finished form; (ii) is converted
17 into constituents normally present in the food; or (iii) is present in the finished food at such
18 insignificant levels as to have no technical or function effect on the finished food.

19 (b) Any food offered for retail sale in the commonwealth is misbranded if it is or may
20 have been entirely or partially produced with genetic engineering and that fact is not disclosed in
21 the following manner

22 (1) In the case of any raw agricultural commodity, with the words “genetically
23 engineered” placed clearly and conspicuously on the front of the package offered for retail sale
24 or in the case of any raw agricultural commodity that is not separately packaged or labeled for
25 retail sale, on a label appearing on the retail store shelf or bin in which such commodity is
26 displayed for sale;

27 (2) In the case of any processed food, with the words “partially produced with genetic
28 engineering” or “may be partially produced with genetic engineering” placed clearly and
29 conspicuously on the front or back of the package offered for retail sale.

30 (c) Any food offered for retail sale in the commonwealth is misbranded if it is or may
31 have been entirely or partially produced with genetic engineering and its label, accompanying
32 signage in a retail establishing, or any advertising or promotional materials state that the food is
33 “natural”, “naturally made”, “all natural” or any similar words that would have a tend to mislead
34 the consumer.

35 (d) This section shall not apply to any of the following:

36 (1) food consisting entirely of, or derived entirely from, an animal that has not itself been
37 genetically engineered, regardless of whether such animal has been fed or injected with any
38 genetically engineered food or any drug that has been produced through the use of genetic
39 engineering techniques;

40 (2) any processed food that would be subject to this section solely because it contains
41 one or more genetically engineered processing aids or enzymes;

42 (3) any alcoholic beverage;

43 (4) food that has been lawfully certified to be labeled, marketed and offered for sale as
44 “organic”; and

45 (5) food that is not packaged for retail sale and is prepared for immediate human
46 consumption or is otherwise served, sold or provided in any restaurant.

47 (e) The commission may adopt regulations necessary for the enforcement and
48 interpretation of this section.