

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Require Labeling of All Genetically Modified Products

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2591, sub-§1, as enacted by PL 2013, c. 436, §1 and affected by §2, is amended to read:

1. Public health and safety. Promote food safety and protect public health by enabling consumers to avoid the potential risks associated with genetically engineered foodsproducts and serve as a risk management tool enabling consumers, physicians and scientists to identify unintended health effects resulting from ~~the consumption of~~ genetically engineered foodsproducts;

Sec. 2. 22 MRSA §2591, sub-§3, as enacted by PL 2013, c. 436, §1 and affected by §2, is amended to read:

3. Consumer confusion and inadvertent deception. Reduce and prevent consumer confusion and inadvertent deception and promote the disclosure of factual information on foodproduct labels to allow consumers to make informed decisions;

Sec. 3. 22 MRSA §2592, sub-§4, as enacted by PL 2013, c. 436, §1 and affected by §2, is repealed.

Sec. 4. 22 MRSA §2592, sub-§5 is enacted to read:

5. Genetically modified product. "Genetically modified product" means food containing genetically engineered material, genetically engineered seed stock, any product made from animals fed genetically engineered food, medicine manufactured using genetically engineered plant or animal material or any other product containing genetically engineered materials.

Sec. 5. 22 MRSA §2593, sub-§1, as enacted by PL 2013, c. 436, §1 and affected by §2, is amended to read:

1. Disclosure requirements for genetically modified products. Beginning ~~18 months after the effective date of this section~~January 1, 2017, any foodgenetically modified product offered for retail sale ~~that is genetically engineered~~ must be accompanied by a conspicuous disclosure that states ~~"Produced with Genetic Engineering."~~"Genetically Modified Product" and includes a list of genetically engineered materials used in its manufacture. The statement and list of genetically engineered materials must be located on the package ~~for all packaged food~~of any packaged genetically modified product or, in the case of an unpackaged foodgenetically modified product, on a card or label on the store shelf or bin in which the foodproduct is displayed.

Sec. 6. 22 MRSA §2593, sub-§3, as enacted by PL 2013, c. 436, §1 and affected by §2, is amended to read:

3. Misbranding. Any food that is ~~genetically engineered~~ genetically modified product that does not display the disclosure required under subsection 1 or that is labeled or identified as natural in violation of subsection 2 is considered misbranded for the purposes of chapter 551, subchapter 1 ~~except that:~~.

A. ~~A food is not considered misbranded if the food is produced by a person who:~~

~~(1) Grows, raises or otherwise produces that food without knowledge that the food was created from other seed or other food that was genetically engineered; and~~

~~(2) Obtains a sworn statement from the person from whom the food was obtained that the food was not knowingly genetically engineered and was segregated from and not knowingly commingled with a food component that may have been genetically engineered;~~

B. ~~A food product derived from an animal is not considered misbranded if the animal was not genetically engineered but was fed genetically engineered feed; and~~

C. ~~A packaged processed food is not considered misbranded if the total weight of the processed food that was genetically engineered is less than 0.9% of the total weight of the processed food.~~

Sec. 7. 22 MRSA §2594, as enacted by PL 2013, c. 436, §1 and affected by §2, is repealed.

Sec. 8. 22 MRSA §2595, sub-§3, as enacted by PL 2013, c. 436, §1 and affected by §2, is amended to read:

3. Penalty. A person who violates this chapter commits a ~~civil violation for which a fine may be assessed that may not exceed \$1,000 per day per misbranded product per sales location~~ Class E crime for the first offense, except that the term of imprisonment may not exceed 5 days, and a Class D crime for the 2nd and subsequent offenses, except that the term of imprisonment may not exceed 6 months.

Sec. 9. 22 MRSA §2596, as enacted by PL 2013, c. 436, §1 and affected by §2, is repealed.

Sec. 10. PL 2013, c. 436, §2 is repealed.

SUMMARY

This bill defines "genetically modified product," which includes genetically engineered seed stock, products from animals fed genetically engineered food and medicines that were manufactured with genetically engineered plants or animals to the laws regarding the labeling of genetically engineered products. It requires the disclosure of genetic engineering of food, seed stock, products from animals fed genetically engineered food or medicines that were manufactured with genetically engineered plants or animals beginning January 1, 2017. It provides that food, seed stock, products from animals fed genetically engineered food and medicines for which the disclosure is not made are considered to be misbranded and subject to the sanctions for misbranding. The bill removes exemptions for products produced without knowledge that the products, or items used in their production, were genetically engineered; animal products derived from an animal that was not genetically engineered but was fed

genetically engineered food; and products with only a minimum content produced by genetic engineering. The bill also removes the exemption from disclosure requirements as regards restaurants, alcoholic beverages or medical food. This bill increases the penalties for nondisclosure and misbranding to a Class E crime for the first offense and a Class D crime for the 2nd and subsequent offenses. The bill repeals the contingent effective date established by Public Law 2013, chapter 436, section 2, subsection 1.