

By Senator Sachs

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1 A bill to be entitled
2 An act relating to genetically engineered foods;
3 creating s. 500.90, F.S.; providing definitions;
4 providing a list of commercial commodities commonly
5 cultivated in genetically engineered form and
6 requiring the Department of Agriculture and Consumer
7 Services to publish the list by a specified date and
8 to update the published list annually; providing
9 mandatory labeling requirements for genetically
10 engineered raw agricultural commodities and processed
11 foods made with or derived from genetically engineered
12 ingredients; exempting specified foods, commodities,
13 ingredients, and other substances from the labeling
14 requirements; authorizing the department to adopt
15 rules; providing for the enforcement of the labeling
16 requirements; providing civil remedies and penalties;
17 providing an effective date.

18
19 WHEREAS, the Legislature finds that consumers should have
20 the right to know whether the foods they purchase contain
21 genetically engineered material, and

22 WHEREAS, manipulating genes and inserting them into
23 organisms is an imprecise process that produces results that are
24 not always predictable or controllable, and could lead to
25 adverse health or environmental consequences, and

26 WHEREAS, mandatory labeling of genetically engineered foods
27 can provide a critical method for tracking the potentially
28 dangerous health effects of consuming genetically engineered
29 foods, and

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30 WHEREAS, currently, there is no federal requirement
31 mandating disclosure of genetically engineered foods on food
32 labels, and

33 WHEREAS, the vast majority of the public wants labels on
34 genetically engineered foods, and

35 WHEREAS, countries around the world, including the European
36 Union member states, Japan, and other key United States trading
37 partners, have laws mandating disclosure of genetically
38 engineered foods on food labels, and

39 WHEREAS, no international agreements prohibit the mandatory
40 labeling of genetically engineered foods, and

41 WHEREAS, without mandatory labeling of genetically
42 engineered foods, consumers may unknowingly violate their own
43 dietary and religious principles, and

44 WHEREAS, the cultivation of genetically engineered crops
45 can negatively impact the environment, in some cases
46 necessitating the use of increasingly toxic herbicides that can
47 damage agricultural areas, impair drinking water, and pose
48 health risks to consumers and farmworkers, and

49 WHEREAS, consumers should have the choice to avoid
50 purchasing foods that could cause adverse health and
51 environmental effects, and

52 WHEREAS, public confidence in organic food products may
53 erode as organic farmers' crops are regularly threatened with
54 accidental contamination by contaminated seed and neighboring
55 lands where genetically engineered crops abound, and consumers
56 should have the choice to avoid purchasing foods that could harm
57 the state's organic farmers and food industry, NOW THEREFORE,

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59 Be It Enacted by the Legislature of the State of Florida:

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61 Section 1. Section 500.90, Florida Statutes, is created to
62 read:

63 500.90 Genetically engineered foods.-

64 (1) As used in this section, the term:

65 (a) "Cultivated commercially" means grown or raised by a
66 person in the course of a business or trade.

67 (b) "Enzyme" means a protein that catalyzes chemical
68 reactions of other substances without itself being destroyed or
69 altered upon completion of the reactions.

70 (c) "Food facility" means an operation that stores,
71 prepares, packages, serves, vends, or otherwise provides food
72 for human consumption at the retail level, including an
73 operation where food is consumed on or off the premises,
74 regardless of whether there is a charge for the food.

75 (d) "Genetically engineered" means any food that consists
76 of, is composed of, contains, or is produced from an organism or
77 organisms in which the genetic material has been changed through
78 the application of:

79 1. In vitro nucleic acid techniques, including recombinant
80 deoxyribonucleic acid techniques and the direct injection of
81 nucleic acid into cells or organelles. Such techniques include,
82 but are not limited to, recombinant deoxyribonucleic acid or
83 ribonucleic acid techniques that use vector systems and
84 techniques involving the direct introduction into the organisms
85 of hereditary material prepared outside the organisms such as
86 micro-injection, macro-injection, chemoporation,
87 electroporation, microencapsulation, and liposome fusion; or

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88 2. Fusion of cells, including protoplast fusion, or
89 hybridization techniques that overcome natural physiological,
90 reproductive, or recombination barriers, where the donor cells
91 or protoplasts do not fall within the same taxonomic family, in
92 a way that does not occur by natural multiplication or natural
93 recombination.

94 (e) "Ingredient" means any substance that is used in the
95 manufacture, or contained in the final form, of a processed
96 food.

97 (f) "Processed food" means any food other than a raw
98 agricultural commodity and includes any food produced from a raw
99 agricultural commodity that has been subject to processing such
100 as canning, smoking, pressing, cooking, freezing, dehydration,
101 fermentation, or milling.

102 (g) "Processing aid" means:

103 1. A substance that is added to a food during the
104 processing of the food but is removed in the same manner from
105 the food before it is packaged in its finished form.

106 2. A substance that is added to a food during processing,
107 is converted into constituents normally present in the food, and
108 does not significantly increase the amount of the constituents
109 naturally found in the food.

110 3. A substance that is added to a food for its technical or
111 functional effects in the processing but is present in the
112 finished food at insignificant levels and does not have any
113 technical or functional effect in that finished food.

114 (2) (a) The Legislature finds that the following raw
115 agricultural commodities are commonly cultivated commercially in
116 genetically engineered form:

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117 1. Alfalfa.

118 2. Canola.

119 3. Corn.

120 4. Cotton.

121 5. Papaya.

122 6. Soy.

123 7. Sugar beets.

124 8. Zucchini and yellow summer squash.

125 (b) By January 1, 2014, and annually thereafter, the
126 department shall publish an updated list of additional raw
127 agricultural commodities that are commonly cultivated
128 commercially in genetically engineered form. The list must be
129 based on the most current available information.

130 (3) (a) Beginning January 1, 2014, any genetically
131 engineered raw agricultural commodity that is offered for retail
132 sale must include a clear and conspicuous statement with the
133 words "genetically engineered" on the front package or label of
134 any such commodity. For such a commodity that is not separately
135 packaged or labeled, the statement must appear on a label on the
136 retail store shelf or bin where the commodity is displayed for
137 sale.

138 (b) Beginning January 1, 2014, any package offered for
139 retail sale containing processed food that is made with or
140 derived from any genetically engineered ingredient must include
141 a clear and conspicuous statement on the front or back of the
142 package with the words "contains genetically engineered
143 ingredients," followed by the name of the genetically engineered
144 ingredient or ingredients. If an ingredients list appears on the
145 package, the statement must appear underneath the ingredients

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146 list. For a processed food containing more than one genetically
147 engineered ingredient, the genetically engineered ingredients
148 listed after the statement must be listed in the same order in
149 which they appear in the full ingredients list.

150 (c) In lieu of compliance with paragraph (b), any package
151 containing processed food that is made with or derived from any
152 ingredient that may be genetically engineered must include a
153 clear and conspicuous statement on the front or back of the
154 package with the words "may contain genetically engineered
155 ingredients," followed by the name of the genetically engineered
156 ingredient or ingredients. If an ingredients list appears on the
157 package, the statement must appear underneath the ingredients
158 list. For a processed food containing more than one ingredient
159 that may be genetically engineered, the genetically engineered
160 ingredients listed after the statement must be listed in the
161 same order in which they appear in the full ingredients list.

162 (d) This subsection does not apply to:

163 1. A raw agricultural commodity that, on the date it is
164 offered for retail sale, is not listed in paragraph (2) (a) or in
165 the most recent list published pursuant to paragraph (2) (b).

166 2. A processed food that does not contain an ingredient
167 derived from a raw agricultural commodity that, on the date the
168 processed food is manufactured, is listed in either paragraph
169 (2) (a) or in the most recent list published pursuant to
170 paragraph (2) (b).

171 3. Food consisting entirely of, or derived entirely from,
172 an animal that has not itself been genetically engineered,
173 regardless of whether the animal has been fed or injected with
174 any genetically engineered food or any drug that has been

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175 produced through means of genetic engineering.

176 4. A raw agricultural commodity or ingredient that has been
177 grown, raised, or produced without the knowing and intentional
178 use of genetically engineered seed or food. The person
179 responsible for complying with this section must obtain, from
180 whoever sold the commodity or ingredient to that person, a sworn
181 statement that the commodity or ingredient has not been
182 knowingly or intentionally genetically engineered and has been
183 segregated from and has not been knowingly or intentionally
184 commingled with, goods that may have been genetically engineered
185 at any time. In providing such a sworn statement, a person may
186 rely on a sworn statement from his or her own supplier that
187 contains such an affirmation.

188 5. A processed food that would be subject to this section
189 solely because it includes one or more genetically engineered
190 processing aids or enzymes.

191 6. An alcoholic beverage that is subject to regulation
192 under chapters 561-568.

193 7. Until January 1, 2015, a processed food that would be
194 subject to this section solely because it includes one or more
195 genetically engineered ingredients, if:

196 a. No single genetically engineered ingredient accounts for
197 more than one-half of 1 percent of the total weight of the
198 processed food.

199 b. The processed food does not contain more than 10
200 genetically engineered ingredients.

201 8. As determined by an independent organization, any food
202 not knowingly and intentionally produced from or commingled with
203 genetically engineered seed or genetically engineered food, if

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204 such a determination has been made pursuant to a sampling and
205 testing procedure approved for this purpose in rules adopted by
206 the department. Such rules may not approve a sampling and
207 testing procedure unless it is consistent with sampling and
208 testing principles recommended by internationally recognized
209 standards organizations.

210 9. Food that has been lawfully certified to be labeled,
211 marketed, and offered for sale as organic pursuant to applicable
212 federal organic food production laws and regulations.

213 10. Food that is not packaged for retail sale and that is:

214 a. A processed food prepared and intended for immediate
215 human consumption; or

216 b. Served, sold, or otherwise provided in a restaurant or
217 other food facility that is primarily engaged in the sale of
218 food prepared and intended for immediate human consumption.

219 (4) (a) The department may adopt rules to administer this
220 section.

221 (b) The department may bring an action in a court of
222 competent jurisdiction to enjoin a person violating this
223 section.

224 (c) The department may assess a civil penalty against a
225 person violating this section in an amount not to exceed \$1,000
226 per day. Each day of violation is considered a separate
227 violation.

228 (d) An action to enjoin a violation of this section may be
229 brought in any court of competent jurisdiction by any person in
230 the public interest if the department has commenced an action
231 against the alleged violation and the action is commenced more
232 than 60 days after the person has given notice of the alleged

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233 violation to the department and the alleged violator.

234 Section 2. This act shall take effect July 1, 2013.