

By Senator Ring

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1
2 A bill to be entitled
3 An act relating to genetically engineered food;
4 creating s. 500.90, F.S.; providing definitions;
5 providing a list of raw agricultural commodities found
6 by the Legislature to be cultivated commercially in
7 genetically engineered form; requiring the Department
8 of Agriculture and Consumer Services to annually
9 compile and publish a list of raw agricultural
10 commodities that are cultivated commercially in
11 genetically engineered form by a specified date;
12 requiring that the list be based upon the most current
13 available information and specific legislative
14 findings; requiring manufacturer, processor, packer,
15 distributor, and retail food store labeling practices
16 for genetically engineered foods by a specified date;
17 exempting specified foods, commodities, ingredients,
18 and other substances from the labeling requirements;
19 providing penalties and civil remedies; authorizing
20 the department to adopt rules; providing an effective
21 date.

22
23 WHEREAS, the genetic engineering of plants and animals is
24 becoming a common practice in the food industry, and

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

29 WHEREAS, the cultivation of genetically engineered crops

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30 can necessitate the use of increasingly toxic herbicides that
31 can damage agricultural areas, impair drinking water, and pose a
32 health risk to consumers and farmworkers, and

33 WHEREAS, public confidence in organic food products may
34 wane as organic farmers' crops are regularly threatened with
35 accidental contamination by genetically engineered seed and by
36 neighboring lands where genetically engineered crops abound,
37 significantly undermining this industry, and

38 WHEREAS, labeling of genetically engineered foods can
39 provide a critical method for tracking the potentially dangerous
40 health effects of consuming genetically engineered foods, and

41 WHEREAS, currently, there is no federal requirement
42 mandating disclosure of genetic engineering on food labels, and

43 WHEREAS, the vast majority of the public desires notice
44 before consuming genetically engineered food, and

45 WHEREAS, countries around the world, including the European
46 Union member states, Japan, and other key United States trading
47 partners, have laws mandating the disclosure of genetic
48 engineering on food labels, and

49 WHEREAS, no international agreement prohibits the labeling
50 of genetically engineered foods, and

51 WHEREAS, without the labeling of genetically engineered
52 food, consumers may unknowingly violate personal dietary and
53 religious principles, and

54 WHEREAS, the Legislature finds that consumers should have
55 the right to know whether food contains genetically engineered
56 material and that consumers should have the choice to avoid
57 purchasing genetically engineered food that could cause adverse
58 health and environmental effects, NOW, THEREFORE,

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

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

500.90 Genetically engineered food.—

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

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

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

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

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

2. In vitro nucleic acid techniques, including recombinant deoxyribonucleic acid techniques and the direct injection of nucleic acid into cells or organelles. Such techniques include, but are not limited to, recombinant deoxyribonucleic acid or ribonucleic acid techniques that use vector systems and techniques involving the direct introduction into the organism of hereditary material prepared outside the organism such as

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88 microinjection, macroinjection, chemoporation, electroporation,
89 microencapsulation, and liposome fusion.

90 (d) "Ingredient" means a substance that is used in the
91 manufacture, or contained in the final form, of a processed
92 food.

93 (e) "Processed food" means food other than a raw
94 agricultural commodity and includes food produced from a raw
95 agricultural commodity that has been subject to processing such
96 as canning, smoking, pressing, cooking, freezing, dehydration,
97 fermentation, or milling.

98 (f) "Processing aid" means:

99 1. A substance that is added to a food during the
100 processing of the food but is removed in the same manner from
101 the food before it is packaged in its finished form;

102 2. A substance that is added to a food during the
103 processing of the food, is converted into constituents normally
104 present in the food, and does not significantly increase the
105 amount of the constituents naturally present in the food; or

106 3. A substance that is added to a food for its technical or
107 functional effects during the processing of the food but is
108 present in the finished food at insignificant levels and does
109 not have a technical or functional effect in that finished food.

110 (2) The Legislature finds that the following raw
111 agricultural commodities are cultivated commercially in
112 genetically engineered form:

113 (a) Alfalfa.

114 (b) Canola.

115 (c) Corn.

116 (d) Cotton.

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117 (e) Papaya.

118 (f) Soy.

119 (g) Sugar beets.

120 (h) Zucchini and yellow summer squash.

121 (3) By January 1, 2016, the department shall annually
122 compile and publish a list of raw agricultural commodities that
123 are cultivated commercially in genetically engineered form. The
124 list must be based on the most current available information and
125 include those raw agricultural commodities found by the
126 Legislature to be cultivated commercially in genetically
127 engineered form.

128 (4) By January 1, 2016, a manufacturer, processor, packer,
129 or distributor of a genetically engineered raw agricultural
130 commodity must include a clear and conspicuous statement with
131 the words "genetically engineered" on the front of the package
132 or label of the commodity. If a genetically engineered raw
133 agricultural commodity is not separately packaged or labeled, a
134 retail food store must include such a statement on a label on
135 the retail food store shelf or bin where the commodity is
136 displayed for sale.

137 (5) (a) By January 1, 2016, a manufacturer, processor,
138 packer, or distributor of a package containing processed food:

139 1. That is made with or derived from a genetically
140 engineered ingredient must include a clear and conspicuous
141 statement with the words "contains genetically engineered
142 ingredients," followed by the name of the genetically engineered
143 ingredient or ingredients, on the front or back of the package.

144 2. That is made with or derived from an ingredient that may
145 be genetically engineered must include a clear and conspicuous

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146 statement with the words "may contain genetically engineered
147 ingredients," followed by the name of the possible genetically
148 engineered ingredient or ingredients, on the front or back of
149 the package.

150 (b) If an ingredients list appears on the package, the
151 statement must appear underneath the ingredients list. For a
152 processed food containing more than one ingredient that is or
153 may be genetically engineered, the genetically engineered
154 ingredients listed after the statement must be listed in the
155 same order in which they appear in the ingredients list.

156 (6) The labeling requirements of this section do not apply
157 to:

158 (a) A raw agricultural commodity that, on the date it is
159 offered for retail sale, is not on the most recent list
160 published by the department pursuant to subsection (3).

161 (b) A processed food that does not contain an ingredient
162 derived from a raw agricultural commodity that, on the date the
163 processed food is manufactured, is listed in the most recent
164 list published by the department pursuant to subsection (3).

165 (c) A food that consists entirely of, or is derived
166 entirely from, an animal that has not been itself genetically
167 engineered, regardless of whether the animal has been fed with
168 genetically engineered food or injected with a drug that has
169 been produced through means of genetic engineering.

170 (d) A raw agricultural commodity or ingredient that has
171 been grown, raised, or produced without the knowing and
172 intentional use of genetically engineered seed or food. To claim
173 an exemption under this paragraph from the labeling requirements
174 of this section, the manufacturer, processor, packer,

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175 distributor, or retail food store responsible for complying with
176 this section must obtain, from the seller who sold the raw
177 agricultural commodity or ingredient to that person, a sworn
178 statement that the raw agricultural commodity or ingredient has
179 not been knowingly or intentionally genetically engineered and
180 has been segregated from and has not been knowingly or
181 intentionally commingled with, at any time, foods that may have
182 been genetically engineered. In providing such a sworn
183 statement, the seller may rely on a sworn statement from the
184 seller's supplier which contains such an affirmation.

185 (e) A processed food solely because it includes one or more
186 genetically engineered processing aids or enzymes.

187 (f) An alcoholic beverage that is subject to regulation
188 under chapters 561-568.

189 (g) A processed food solely because it includes one or more
190 genetically engineered ingredients, if:

191 1. A single genetically engineered ingredient does not
192 account for more than one-half of 1 percent of the total weight
193 of the processed food; and

194 2. The processed food does not contain more than 10
195 genetically engineered ingredients.

196 (h) A food that has been determined by an independent
197 organization not to have been knowingly and intentionally
198 produced from or commingled with genetically engineered seed or
199 genetically engineered food, if such determination is made
200 pursuant to a sampling and testing procedure approved for this
201 purpose in rules adopted by the department. Such rules may not
202 approve a sampling and testing procedure unless it is consistent
203 with sampling and testing principles recommended by

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204 internationally recognized standards organizations.

205 (i) A food that has been lawfully certified to be labeled,
206 marketed, and offered for sale as organic pursuant to applicable
207 federal organic food production laws and regulations.

208 (j) A food that is not packaged for retail sale and that
209 is:

210 1. A processed food prepared and intended for immediate
211 human consumption; or

212 2. Served, sold, or otherwise provided in a restaurant or
213 other food service establishment that is primarily engaged in
214 the sale of food prepared and intended for immediate human
215 consumption.

216 (7) The department may impose a fine not exceeding \$1,000
217 against any manufacturer, processor, packer, distributor, or
218 retail food store that violates the labeling requirements of
219 this section. A single violation consists of the aggregate
220 number of improperly labeled foods identified per inspection,
221 but not individual improperly labeled foods. However, each day
222 during which such violation occurs constitutes a separate
223 offense and is subject to a separate fine.

224 (8) An action to enjoin a violation of this section may be
225 brought in a court of competent jurisdiction by:

226 (a) The department; or

227 (b) A person in the public interest if:

228 1. The action is commenced more than 60 days after the
229 person has given notice of the alleged violation to the
230 department and to the alleged violator; and

231 2. The department has not commenced an action against the
232 alleged violator.

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233 (9) The department may adopt rules to administer this
234 section.

235 Section 2. This act shall take effect July 1, 2014.