

ASSEMBLY, No. 3192

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JULY 30, 2012

Sponsored by:

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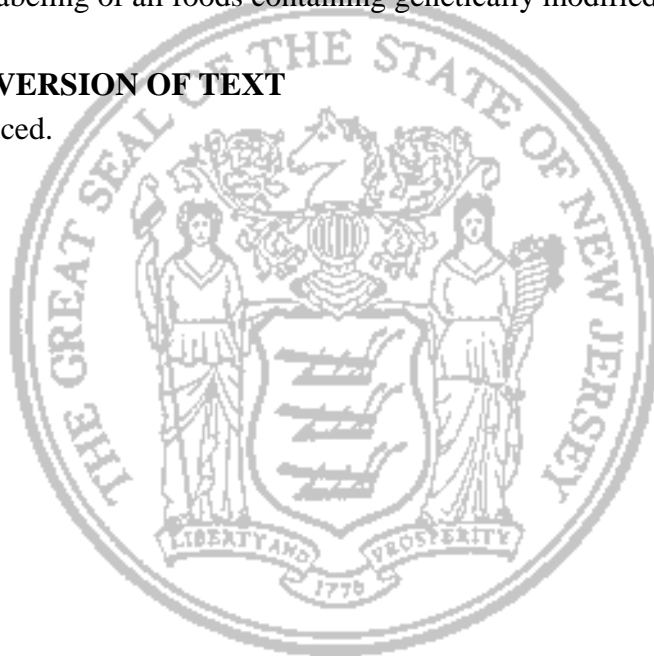
Assemblymen Caputo, P.Barnes, III, Assemblywomen Jimenez, Quijano, Casagrande, Vainieri Huttel, Assemblymen Ramos, Amodeo, Gusciora, McKeon, Conaway, Green, Contillo, Diegnan and Chivukula

SYNOPSIS

Requires labeling of all foods containing genetically modified material.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/20/2013)

1 AN ACT requiring labeling of all foods that contain genetically
2 modified material and supplementing Title 24 of the Revised
3 Statutes.

4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. As used in this act:

9 “Commissioner” means the Commissioner of Health and Senior
10 Services.

11 “Department” means the Department of Health and Senior
12 Services.

13 “Food” means: (1) any food product or article of food that is
14 consumable by a human or an animal, and (2) any item or substance
15 that is intended for use as a food ingredient. “Food” shall include
16 chewing gum.

17 “Genetically modified food product” means a food that is
18 composed of more than one percent of genetically modified
19 material, as determined in accordance with the standards of
20 measurement and quantification procedures established by the
21 department pursuant to subsection c. of section 2 of this act.

22 “Genetically modified material” means any substance that has
23 been produced, enhanced, or otherwise modified through the use of
24 recombinant deoxyribonucleic acid technology, genetic
25 engineering, or bioengineering.

26 “Label” means a display of written, printed, or graphic matter
27 that appears on a food or on a food’s immediate wrapper, container,
28 or package, or that otherwise accompanies a food at the time of its
29 distribution or sale.

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31 2. a. Every genetically modified food product that is offered
32 for sale in this State shall contain a label indicating that the product
33 contains genetically modified material. The information shall be
34 displayed in a manner that is conspicuous and easily understandable
35 to consumers.

36 b. (1) Any genetically modified food product that is not
37 labeled in accordance with is act shall be considered to be
38 misbranded in violation of the provisions of R.S.24:5-1 et seq. The
39 commissioner may order the correction of the label on any food that
40 is determined to be misbranded pursuant to this paragraph, and any
41 such order shall be complied with during the time specified thereby.

42 (2) The department may conduct any investigation it deems
43 necessary to verify the accuracy of any labeling or non-labeling of
44 food products pursuant to this act.

45 (3) Any person who misbrands a food as provided in this
46 subsection shall be liable for the following penalties:

47 a. For each first offense a penalty of \$200;

48 b. For each second offense a penalty of \$400;

1 c. For each third and every subsequent offense a penalty of
2 \$1,000.

3 Any penalties imposed under this subsection shall be recovered
4 in accordance with the provisions of R.S.24:17-1 et seq.

5 c. The department, in consultation with the Department of
6 Agriculture, shall adopt rules and regulations pursuant to the
7 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
8 seq.), as are necessary to implement this act. These rules and
9 regulations shall include, but need not be limited to, standards of
10 measurement and procedures for the quantification of genetically
11 modified material in: (1) raw agricultural food, such as fresh meats
12 and vegetables; (2) lightly processed foods, such as breads, pastas,
13 milk and cheeses; and (3) highly processed foods, such as sugars,
14 oils, cereals, baked goods, candy, condiments, and canned and
15 frozen foods, including frozen agricultural foods, such as
16 vegetables. The department shall identify, for each category of
17 food, or for any subcategory thereof, as determined to be necessary,
18 the preferred unit of measurement, the approved methods of
19 measurement, and the requisite sampling protocol for each method
20 of measurement.

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22 3. This act shall take effect on the first day of the sixth month
23 following enactment.

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STATEMENT

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28 This bill would require the labeling of all foods that contain
29 genetically modified material. The purpose of this bill is to enable
30 consumers in the State to make knowledgeable decisions about food
31 consumption based upon the disclosure of certain information
32 regarding the composition of the food.

33 Specifically, the bill would provide that any genetically modified
34 food product that is offered for sale in this State must have a label
35 indicating that the food contains genetically modified material.

36 “Genetically modified material” is defined as any substance that
37 has been produced, enhanced, or otherwise modified through the
38 use of recombinant deoxyribonucleic acid technology, genetic
39 engineering, or bioengineering. A food product is considered to be
40 a “genetically modified food product” if it contains more than one
41 percent of genetically modified material, as determined in
42 accordance with the standards and procedures for quantification
43 adopted by the Department of Health and Senior Services (DHSS).

44 The failure to label a genetically modified food product would
45 constitute misbranding in violation of pre-existing food and drug
46 labeling law, except that there would be a penalty of \$200 for a first
47 offense, \$400 for a second offense, and \$1,000 for any third or
48 subsequent offense. DHSS would be responsible for administering
49 and enforcing the bill’s provisions.