

SENATE, No. 2011

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Requires labeling of foods containing genetically engineered material.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 **AN ACT** requiring labeling of all foods that contain genetically
2 engineered 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:*

7
8 1. As used in this act:

9 “Commissioner” means the Commissioner of Health.

10 “Department” means the Department of Health.

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

15 “Genetic engineering” means a process by which a food or food
16 ingredient that is produced from an organism or organisms in which
17 the genetic material has been changed through the application of:
18 (1) in vitro nucleic acid techniques, including recombinant
19 deoxyribonucleic acid techniques and the direct injection of nucleic
20 acid into cells or organelles; or (2) fusion of cells, including
21 protoplast fusion, or hybridization techniques that overcome natural
22 physiological, reproductive, or recombination barriers, where the
23 donor cells or protoplasts do not fall within the same taxonomic
24 group, in a matter that does not occur by natural multiplication or
25 natural recombination.

26 “In vitro nucleic acid techniques” means techniques including,
27 but not limited to, recombinant deoxyribonucleic acid techniques
28 that use vector systems and techniques involving the direct
29 introduction into organisms of hereditary materials prepared outside
30 the organisms, such as microinjection, macroinjection,
31 chemoporation, electroporation, microencapsulation, and liposome
32 fusion.

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

37
38 2. a. Every genetically engineered food product that is offered
39 for sale in this State shall contain a label indicating that the product
40 was produced using genetic engineering. The information shall be
41 displayed in a manner that is conspicuous and easily understandable
42 to consumers.

43 b. (1) Any genetically engineered food product that is not
44 labeled in accordance with this act shall be considered to be
45 misbranded in violation of the provisions of R.S.24:5-1 et seq. The
46 commissioner may order the correction of the label on any food that

1 is determined to be misbranded pursuant to this paragraph, and any
2 such order shall be complied with during the time specified thereby.

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

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

8 (a) For each first offense a penalty of \$200;

9 (b) For each second offense a penalty of \$400;

10 (c) For each third and every subsequent offense a penalty of
11 \$1,000.

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

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

29
30 3. This act shall take effect on the first day of the 18th month
31 following enactment.

32

33

34 STATEMENT

35

36 This bill requires labeling of all foods containing genetically
37 engineered material. The purpose of this bill is to enable consumers
38 in the State to make knowledgeable decisions about food
39 consumption based upon the disclosure of the content.

40 Specifically, the bill provides that any genetically engineered
41 food product that is offered for sale in this State must have a label
42 indicating that the food was produced by genetic engineering.
43 “Food” is defined as any food product or article of food that is
44 consumable by a human and any item or substances that is intended
45 for use as a food ingredient.

46 The bill defines “genetic engineering” as a process by which a
47 food or food ingredient that is produced from an organism or
48 organisms in which the genetic material has been changed through

1 the application of: (1) in vitro nucleic acid techniques, including
2 recombinant deoxyribonucleic acid techniques, and the direct
3 injection of nucleic acid into cells or organelles; or (2) fusion of
4 cells, including protoplast fusion, or hybridization techniques that
5 overcome natural physiological, reproductive, or recombination
6 barriers, where the donor cells or protoplasts do not fall within the
7 same taxonomic group, in a matter that does not occur by natural
8 multiplication or natural recombination.

9 Under the bill, the failure to label a genetically engineered food
10 product constitutes misbranding and violates current pre-existing
11 food and drug labeling law, except that there would be a penalty of
12 \$200 for a first offense, \$400 for a second offense, and \$1,000 for
13 any third or subsequent offense. The bill provides that the
14 Department of Health is responsible for administering and enforcing
15 the bill's provisions.