

Regular Session, 2014

HOUSE BILL NO. 829

BY REPRESENTATIVE WOODRUFF

AGRICULTURE: Requires disclosure and labeling on all food products derived from genetically engineered agricultural products

1 AN ACT

2 To enact Part I-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 40:661 through 666, relative to genetically engineered food; to  
4 provide for definitions; to require disclosure of any product derived from a  
5 genetically engineered agricultural product; to require the disclosure statement to be  
6 conspicuous and easily legible to consumers; to provide for recordkeeping; to  
7 provide for the retention and inspection of records; to exempt food prepared in  
8 restaurants; to provide for penalties; to provide rulemaking authority; and to provide  
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part I-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of  
12 1950, comprised of R.S. 40:661 through 666, is hereby enacted to read as follows:

13 PART I-B. FOOD MADE FROM CLONED

14 OR GENETICALLY ENGINEERED PRODUCTS

15 §661. Definitions

16 As used in this Part, the following terms have the meanings given to them  
17 except where the context expressly indicates otherwise:

18 (1) "Department" means the Department of Health and Hospitals.

19 (2) "Food" means any food product or article of food that is consumable by  
20 a human. The term also includes any item or substance that is intended for use as a  
21 food ingredient.

1           (3) "Genetic engineering" means the process of producing an organism in  
2           which genetic material has been changed through the application of any of the  
3           following:

4           (a) An in vitro nucleic acid technique, which includes but is not limited to  
5           recombinant deoxyribonucleic acid, direct injection of nucleic acid into cells or  
6           organelles, encapsulation, gene deletion, and doubling.

7           (b) A method of fusing cells beyond the taxonomic family that overcomes  
8           natural physiological reproductive or recombinant barriers, and that does not utilize  
9           techniques used in traditional breeding and selection such as conjugation,  
10          transduction, or hybridization.

11          (4) "Genetically modified food product" means a food that is composed of  
12          more than one percent of genetically modified material.

13          (5) "Genetically modified material" means any substance that has been  
14          produced, enhanced, or otherwise modified through the use of genetic engineering.

15          §662. Products made with genetically engineered ingredients; disclosure required

16          A. Any person who manufactures, processes, or prepares food intended for  
17          human consumption in this state that is a genetically modified food product or  
18          contains any genetically engineered ingredient shall provide a statement on the label  
19          or packaging on the food, or by a sign if the food is not packaged, that the food is  
20          "produced with genetic engineering" or "partially produced with genetic  
21          engineering".

22          B. The lettering of the statement on the label, packaging, or sign required by  
23          this Section shall be displayed in a conspicuous and easily legible boldface print or  
24          type that is in clear contrast to other matter on the label, packaging, or sign.

25          §663. Recordkeeping requirements

26          A. Any person who sells or offers for sale a food intended for human  
27          consumption in this state that is a genetically modified food product or contains any  
28          genetically engineered ingredient shall maintain a record of each purchase from a  
29          producer, distributor, manufacturer, processor, or packer.

1           B.(1) The record required by Subsection A of this Section shall include a bill  
2           of sale and any documents regarding the origin of the food that is a genetically  
3           modified food product or contains any genetically engineered ingredient.

4           (2) The record required by Subsection A of this Section shall be kept for a  
5           period of two years after the date of sale of the food.

6           (3) The record required by Subsection A of this Section shall be made  
7           available to the department for inspection on request of the department.

8           §664. Exemption

9           The provisions of this Part shall not apply to any food that is served, sold, or  
10          otherwise provided in any restaurant or other food service establishment that is  
11          primarily engaged in the sale of food prepared and intended for immediate human  
12          consumption.

13          §665. Violations

14          Any person violating the provisions of this Part shall be guilty of a  
15          misdemeanor and upon conviction shall be fined not less than fifty dollars nor more  
16          than five hundred dollars and each such violation shall constitute a separate offense.

17          §666. Rules and regulations

18          The Department of Health and Hospitals may promulgate, in accordance with  
19          the Administrative Procedure Act, any rules and regulations necessary for the  
20          administration of this Part.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Woodruff

HB No. 829

**Abstract:** Requires disclosure of any food product derived from a genetically engineered agricultural product.

Proposed law defines "department" as the Dept. of Health and Hospitals (DHH).

Proposed law defines "food" as any food product or article of food that is consumable by a human. The term also includes any item or substance that is intended for use as a food ingredient.

Proposed law defines "genetic engineering" as the process of producing an organism in which genetic material has been changed through the application of any of the following:

- (1) An in vitro nucleic acid technique, which includes but is not limited to recombinant deoxyribonucleic acid, direct injection of nucleic acid into cells or organelles, encapsulation, gene deletion, and doubling.
- (2) A method of fusing cells beyond the taxonomic family that overcomes natural physiological reproductive or recombinant barriers, and that does not utilize techniques used in traditional breeding and selection such as conjugation, transduction, or hybridization.

Proposed law defines "genetically modified food product" as a food that is composed of more than 1% of genetically modified material.

Proposed law defines "genetically modified material" as any substance that has been produced, enhanced, or otherwise modified through the use of genetic engineering.

Proposed law requires any person who manufactures, processes, or prepares food intended for human consumption in this state that is a genetically modified food product or contains any genetically engineered ingredient to provide a statement on the label or packaging on the food, or by a sign if the food is not packaged, that the food is "produced with genetic engineering" or "partially produced with genetic engineering".

Proposed law requires the lettering of the statement on the label, packaging, or sign to be displayed in a conspicuous and easily legible boldface print or type that is in clear contrast to other matter on the label, packaging, or sign.

Proposed law requires any person who sells or offers for sale a food intended for human consumption in this state that is a genetically modified food product or contains any genetically engineered ingredient to maintain a record of each purchase from a producer, distributor, manufacturer, processor, or packer.

Proposed law requires the records to include a bill of sale and any documents regarding the origin of the food that is a genetically modified food product or contains any genetically engineered ingredient, to be kept for a period of two years after the date of sale of the food, and to be made available to DHH for inspection on request of the department.

The provisions of proposed law shall not apply to any food that is served, sold, or otherwise provided in any restaurant or other food service establishment that is primarily engaged in the sale of food prepared and intended for immediate human consumption.

Proposed law provides that any person violating the provisions of proposed law shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50 nor more than \$500 and each such violation shall constitute a separate offense.

Proposed law authorizes DHH to promulgate any administrative rules and regulations necessary for the administration of proposed law.

(Adds R.S. 40:661-666)