1	L.D. 718
2	Date: (Filing No. H- )
3	AGRICULTURE, CONSERVATION AND FORESTRY
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	126TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10 11	COMMITTEE AMENDMENT " " to H.P. 490, L.D. 718, Bill, "An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock"
12	Amend the bill by striking out the title and substituting the following:
13 14	'An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food'
15	Amend the bill in section 1 by inserting before §2591 the following:
16	<u>§2591. Purpose</u>
17	It is the purpose of this chapter to:
18 19 20 21 22	1. Public health and food safety. Promote food safety and protect public health by enabling consumers to avoid the potential risks associated with genetically engineered foods and serve as a risk management tool enabling consumers, physicians and scientists to identify unintended health effects resulting from the consumption of genetically engineered foods;
23 24 25	2. Environmental impacts. Assist consumers who are concerned about the potential effects of genetic engineering on the environment to make informed purchasing decisions;
26 27 28	3. Consumer confusion and inadvertent deception. Reduce and prevent consumer confusion and inadvertent deception and promote the disclosure of factual information on food labels to allow consumers to make informed decisions:
29 30 31 32	4. Promote economic development. Create additional market opportunities for those producers who are not certified organic producers and whose products are not produced using genetic engineering and enable consumers to make informed purchasing decisions; and

	ta from which they may make informed decisions for personal, religious, moral ltural or ethical reasons.'
	Amend the bill in section 1 in §2591 by inserting after subsection 1 the following:
	'2. DNA. "DNA" means deoxyribonucleic acid.'
со	Amend the bill in section 1 in §2591 by renumbering the subsections to reach necessitively.
	Amend the bill in section 1 by striking out all of §2592 and inserting the following:
'§2	2592. Disclosure requirements for genetically engineered food
co m	1. Disclosure. Beginning 18 months after the effective date of this section, any food fered for retail sale that is genetically engineered must be accompanied by a an a
ma	2. Use of term "natural." A food that is subject to disclosure under subsection 1 may not be described on the label or by similar identification as "natural."
vi	3. Misbranding. Any food that is genetically engineered that does not display the sclosure required under subsection 1 or that is labeled or identified as natural in plation of subsection 2 is considered misbranded for the purposes of chapter 551 bechapter 1 except that:
	A. A food is not considered misbranded if the food is produced by a person who:
	(1) Grows, raises or otherwise produces that food without knowledge that the food was created from other seed or other food that was genetically engineered and
	(2) Obtains a sworn statement from the person from whom the food was obtained that the food was not knowingly genetically engineered and was segregated from and not knowingly commingled with a food component that may have been genetically engineered;
	B. A food product derived from an animal is not considered misbranded if the animal was not genetically engineered but was fed genetically engineered feed. A food product derived from any highly refined ingredients where the effect of a purification process is to remove DNA or novel protein is not considered misbranded; and
	C. A packaged processed food is not considered misbranded if the total weight of the processed food that was genetically engineered is less than 0.9% of the total weight of the processed food.
	<b>4. Rules.</b> The commissioner may adopt routine technical rules under Title 5, chapte

Amend the bill in section 1 in 2593 by striking out all of subsections 1 and 2 (page 2, lines 9 to 16 in L.D.) and inserting the following:

38 39 

- '1. Reliance on affidavit. A distributor or retailer that sells or advertises food that is genetically engineered that fails to make the disclosure required under section 2593, subsection 1 is not subject to liability in any civil action to enforce this chapter if the distributor or retailer relied on the affidavit under section 2596 provided by the producer or grower stating that the food is not subject to the disclosure requirements under this chapter.
- **2. Eating establishments.** Eating establishments are exempt from the disclosure requirements of this chapter.'

Amend the bill in section 1 in §2595 by striking out all of the indented paragraph (page 2, lines 27 to 31 in L.D.) and inserting the following:

<u>'The commissioner shall develop an affidavit form that may be provided by a producer or grower of food to distributors and retailers and that may be included in shipments of food within the State certifying that the food being sold or shipped is not subject to the disclosure requirements of this chapter.'</u>

Amend the bill in section 1 by renumbering the sections to read consecutively.

Amend the bill by striking out all of section 2 and inserting the following:

## 'Sec. 2. Effective date; repeal.

- 1. Effective date. The Commissioner of Agriculture, Conservation and Forestry shall monitor legislative activities in other states and certify to the Secretary of State and the Revisor of Statutes when legislation substantially similar to this Act has been adopted by at least 5 contiguous states including Maine. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when certification is made. That section of this Act that enacts the Maine Revised Statutes, Title 22, chapter 565 takes effect 30 days after the date of the commissioner's certification.
- **2. Repeal.** If no certification has been made by the Commissioner of Agriculture, Conservation and Forestry under subsection 1 before January 1, 2018, this Act is repealed on that date.'

29 SUMMARY

This amendment is one of 2 minority reports. It differs from the majority report by requiring substantially similar legislation to have been enacted in 5 contiguous states including Maine before it takes effect. The amendment adds a purpose section to the new chapter on genetically engineered products. It also changes the conditions governing the contingent effective date and the contingent repeal date of the bill. The amendment establishes a process for the Commissioner of Agriculture, Conservation and Forestry to report to the Secretary of State, the Revisor of Statutes and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when 5 contiguous states including Maine have adopted substantially similar legislation. The amendment provides that the section of the bill that enacts Title 22, chapter 565 takes

## COMMITTEE AMENDMENT " to H.P. 490, L.D. 718

1	effect 30 days after the date of the commissioner's certification. The amendment also
2	proposes to exempt from the labeling requirements of the bill food products derived from
3	any highly refined ingredients, where the effect of the purification process is to remove
4	DNA or novel protein.
5	FISCAL NOTE REQUIRED
6	(See attached)