

Senate File 194 - Introduced

SENATE FILE 194
BY BOLKCOM

A BILL FOR

1 An Act requiring consumer labeling information for food,
2 providing penalties, and including effective date
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 189B.1 Short title.

2 This chapter shall be known and may be cited as the "*Consumer*
3 *Labeling Information for Food Act*".

4 Sec. 2. NEW SECTION. 189B.2 Purpose.

5 The purpose of this chapter is to allow Iowans greater
6 access to information about the food they and their families
7 consume, recognizing that such information is indispensable to
8 the exercise of informed consumer choice in a free and open
9 marketplace.

10 Sec. 3. NEW SECTION. 189B.3 Definitions.

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "*Department*" means the department of agriculture and land
14 stewardship.

15 2. "*Food item*" means any raw, cooked, or processed edible
16 substance used or intended for use or sale in whole or in part
17 for human consumption.

18 3. "*Genetic engineering*" means the process of producing an
19 organism in which genetic material has been changed through the
20 application of any of the following:

21 a. An in vitro nucleic acid technique, which includes
22 but is not limited to recombinant deoxyribonucleic acid,
23 direct injection of nucleic acid into cells or organelles,
24 encapsulation, gene deletion, and doubling.

25 b. A method of fusing cells beyond the taxonomic family that
26 overcomes natural physiological reproductive or recombinant
27 barriers, and that does not utilize techniques used in
28 traditional breeding and selection such as conjugation,
29 transduction, or hybridization.

30 4. "*Grocery store*" means a food establishment licensed
31 pursuant to section 137F.6 which operates as a business selling
32 food items to the public for off-premises preparation or
33 consumption.

34 Sec. 4. NEW SECTION. 189B.4 Labeling standards.

35 1. A person manufacturing a packaged food item that the

1 person offers for sale to a grocery store shall disclose
2 whether the food item was or may have been subjected to genetic
3 engineering when produced.

4 2. The disclosure required in subsection 1 shall be printed
5 on a label. To every extent possible, the label shall be
6 placed in a clear and conspicuous manner on or in proximity
7 to the food item. The label for a packaged food item shall
8 resemble a label listing food ingredients required for that
9 food item or comparable food item pursuant to 21 C.F.R. pt.
10 101.

11 Sec. 5. NEW SECTION. 189B.5 Exceptions — presumption.

12 1. This chapter does not apply to any of the following:

13 a. A person who is a small business as defined in section
14 15.102.

15 b. Meat, fish, or poultry only because it originated from an
16 animal which consumed genetically engineered feed.

17 c. An alcoholic beverage as defined in section 123.3.

18 2. A food item is presumed exempt from the requirements of
19 section 189B.4 if the food item is any of the following:

20 a. Labeled organic pursuant to chapter 190C.

21 b. Certified by a third party as not produced using
22 genetically engineered products, as provided by rules adopted
23 by the department.

24 Sec. 6. NEW SECTION. 189B.6 Rules.

25 The department shall adopt rules as necessary to implement
26 and enforce this chapter. The department may adopt rules
27 establishing labeling standards for specific food items, or a
28 category of food items, that differ from the labeling standards
29 provided in section 189B.4 as long as such standards provide
30 reasonable notice to the consumer of the information required
31 to be disclosed pursuant to that section.

32 Sec. 7. NEW SECTION. 189B.7 Penalties.

33 A person manufacturing a packaged food item who fails to
34 comply with the labeling standards in section 189B.4 is subject
35 to a civil penalty of not more than one hundred dollars for

1 each packaged food item that is unlabeled and ultimately sold
2 or offered for sale at a grocery store in this state. However,
3 the person shall not be subject to a civil penalty of more
4 than ten thousand dollars for the sale or offer for sale of a
5 single manufactured lot of packaged food items if the person
6 did not know that the packaged food items were subjected to
7 genetic engineering or the failure to comply with the labeling
8 standards was due to a malfunction of the manufacturing process
9 or inadvertence.

10 Sec. 8. EFFECTIVE DATE. This Act takes effect five hundred
11 and forty days after approved by the governor.

12 EXPLANATION

13 This bill requires food items to be labeled with information
14 that identifies the food items as genetically engineered. The
15 department of agriculture and land stewardship is responsible
16 for administering and enforcing the bill's provisions. A
17 person manufacturing a packaged food item for sale to a grocery
18 store must disclose whether it was or may have been subjected
19 to genetic engineering when produced. The disclosure must
20 appear on a printed label. The label on a package must be based
21 on federal ingredient labeling standards. The bill creates an
22 exception for a small business which has either fewer than 20
23 employees or an annual gross income of less than \$4 million.

24 Certain food items are exempted, including meat, fish,
25 or poultry that was fed with genetically engineered feed
26 and alcoholic beverages. Certain food items are presumed
27 not to have been genetically engineered including foods
28 labeled organic or certified by a third party. A person
29 manufacturing a packaged food item who fails to comply with
30 the labeling standards, is subject to civil penalties. The
31 civil penalty equals \$100 per food item that is not labeled in
32 compliance with the bill's provisions. However, under certain
33 circumstances a manufacturer's civil penalty is capped at
34 \$10,000 for the sale or offer for sale of a single manufactured
35 lot of packaged food items.

1 The bill takes effect 540 days after approval by the
2 governor.