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HOUSE BILL NO. 1591

Offered January 14, 2015

Prefiled January 8, 2015

A BILL to amend and reenact § 3.2-5120 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-5124.1, relating to genetically engineered foods; penalty.

Patron—DeSteph (By Request)

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-5120 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-5124.1 as follows:

§ 3.2-5120. Definitions.

As used in this article, unless the context requires a different meaning:

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or that are likely to induce, directly or indirectly, the purchase of food.

"Butter" means the food product generally known as butter, which is made exclusively from milk or cream, or both, with or without common salt, and with or without coloring matter, and containing not less than 80 percent by weight of milk fat, having allowed for all tolerances.

"Contaminated with filth" applies to any food not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

"Federal act" means the Federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. § 301 et seq.).

"Food" means all articles used for food, drink, confectionery, or condiment, for humans or other animals, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof.

"Genetically engineered" means grown, manufactured, processed, or otherwise produced or altered with techniques that change the molecular or cell biology of an organism by means or in a manner not possible under natural conditions or processes, including recombinant DNA techniques, cell fusion, micro and macro encapsulation, gene deletion and doubling, introduction of a foreign gene, and changing the positions of genes. However, "genetically engineered" does not mean breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture processes.

"Immediate container" does not mean package liners.

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article.

"Labeling" means all labels and other written, printed, or graphic matter upon an article or any of its containers or wrappers, or accompanying such article.

"Selling of food" means the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; the sale of any such article; and the supplying of any such articles in the conduct of any food establishment.

§ 3.2-5124.1. Labeling as genetically engineered food; penalty.

A. It is unlawful to sell, offer for sale, or distribute genetically engineered food that does not bear a label, created by the Department, that is placed prominently upon the immediate container of the article and contains the words "genetically engineered" displayed in a conspicuous manner.

B. A food shall be deemed to be genetically engineered if it is:

1. Derived in whole or in part from genetically engineered microorganisms, plants, or livestock, if such genetically engineered material accounts for more than one-tenth percent of the weight of any portion of that food;

2. Prepared or processed using genetically engineered enzymes or other genetically engineered processing agents, whether or not such enzymes or agents are present in the final food product;

3. Derived from agricultural products cultivated using genetically engineered agricultural agents, whether or not such agents are present in the final food product;

4. A dairy or meat product derived from livestock that have been fed genetically engineered feed or food additives or ingredients or derived from livestock that have been treated with genetically engineered hormones or drugs;

5. A genetically engineered food that is significantly altered in composition or nutritional value, or that requires preparation steps different from its natural counterparts. In addition to the labeling requirement of subsection A, such food shall be labeled to specify the compositional or nutritional

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59 *alterations or the differing steps;*

60 *6. A genetically engineered food resulting from transspecies gene transfers. In addition to the*
61 *labeling requirement of subsection A, such food shall be labeled to specify the source of the transspecies*
62 *gene used and the purpose of the transfer; or*

63 *7. A genetically engineered food resulting from transfer of animal genes into plants. In addition to*
64 *the labeling requirement of subsection A, such food shall be labeled in a manner that will allow*
65 *vegetarians and those with dietary restrictions to observe such restrictions to indicate that the food*
66 *results from the transfer of animal genes into plants.*

67 *C. Any person who knowingly violates any provision of this section is guilty of a Class 3*
68 *misdemeanor.*