

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0376.01 Jennifer Berman x3286

HOUSE BILL 13-1192

---

HOUSE SPONSORSHIP

Labuda,

SENATE SPONSORSHIP

(None),

---

House Committees

Health, Insurance & Environment

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING LABELING REQUIREMENTS FOR GENETICALLY  
102 ENGINEERED FOOD.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill defines "genetically engineered" and requires a person selling, distributing, or offering for sale food in Colorado that he or she is aware contains genetically engineered material or was produced with genetically engineered material to label the food as follows: "This product contains genetically engineered material or was produced with genetically

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

engineered material". The bill exempts certain foods from the labeling requirement.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-5-402, **add** (12.5)  
3 as follows:

4 **25-5-402. Definitions.** As used in this part 4, unless the context  
5 otherwise requires:

6 (12.5) "GENETICALLY ENGINEERED" AND "GENETIC ENGINEERING"  
7 REFER TO ORGANISMS AND BIOLOGICAL MATERIALS THAT HAVE BEEN  
8 ALTERED AT THE MOLECULAR OR CELLULAR LEVEL BY MEANS THAT ARE  
9 NOT POSSIBLE UNDER NATURAL CONDITIONS OR PROCESSES. GENETIC  
10 ENGINEERING INCLUDES RECOMBINANT DEOXYRIBONUCLEIC ACID (DNA)  
11 AND RIBONUCLEIC ACID (RNA) TECHNIQUES, CELL FUSION,  
12 MICROENCAPSULATION, MACROENCAPSULATION, GENE DELETION AND  
13 DOUBLING, INTRODUCTION OF A FOREIGN GENE, AND CHANGING THE  
14 POSITIONS OF GENES. GENETIC ENGINEERING DOES NOT INCLUDE  
15 ALTERATION OF AN ORGANISM OR BIOLOGICAL MATERIAL BY MEANS  
16 CONSISTING EXCLUSIVELY OF BREEDING, CONJUGATION, FERMENTATION,  
17 HYBRIDIZATION, IN VITRO FERTILIZATION, OR TISSUE CULTURE PROCESSES.

18 **SECTION 2.** In Colorado Revised Statutes, 25-5-419, **add** (5) as  
19 follows:

20 **25-5-419. Packaging and labeling of consumer commodities.**

21 (5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5),  
22 A PERSON MISBRANDS GENETICALLY ENGINEERED FOOD OR FOOD  
23 CONTAINING GENETICALLY ENGINEERED MATERIAL IF HE OR SHE:

24 (I) KNOWS THAT THE FOOD CONTAINS GENETICALLY ENGINEERED  
25 MATERIAL OR WAS PRODUCED WITH GENETICALLY ENGINEERED MATERIAL;

1 AND

2 (II) SELLS, DISTRIBUTES, OR OFFERS THE FOOD FOR SALE IN  
3 COLORADO WITHOUT LABELING IT AS FOLLOWS:

4 **THIS PRODUCT CONTAINS GENETICALLY ENGINEERED**  
5 **MATERIAL OR WAS PRODUCED WITH GENETICALLY**  
6 **ENGINEERED MATERIAL.**

7 (b) THE LABELING REQUIREMENT OF PARAGRAPH (a) OF THIS  
8 SUBSECTION (5) DOES NOT APPLY TO THE FOLLOWING:

9 (I) FOOD THAT CONTAINS LESS THAN ONE PERCENT GENETICALLY  
10 ENGINEERED MATERIAL;

11 (II) CHEWING GUM;

12 (III) ALCOHOLIC BEVERAGES;

13 (IV) FOOD THAT A PHYSICIAN PRESCRIBES AS MEDICALLY  
14 NECESSARY OR SUPERVISES THE CONSUMPTION OR ENTERIC  
15 ADMINISTRATION OF:

16 (V) FOOD THAT IS CERTIFIED TO BE LABELED, MARKETED, AND  
17 OFFERED AS "ORGANIC" UNDER THE FEDERAL "ORGANIC FOOD  
18 PRODUCTION ACT OF 1990", 7 U.S.C. CHAPTER 94;

19 (VI) FOOD THAT IS SERVED, SOLD, OR OTHERWISE PROVIDED IN A  
20 RESTAURANT OR OTHER FACILITY THAT IS PRIMARILY ENGAGED IN THE  
21 SALE OR PROVISION OF FOOD PREPARED AND INTENDED FOR IMMEDIATE  
22 HUMAN CONSUMPTION;

23 (VII) PROCESSED FOOD THAT IS INTENDED FOR IMMEDIATE  
24 CONSUMPTION AND NOT PACKAGED FOR RETAIL SALE; OR

25 (VIII) A FOOD PRODUCT PRODUCED PURSUANT TO THE  
26 "COLORADO COTTAGE FOODS ACT", SECTION 25-4-1614.

27 (c) THE DEPARTMENT MAY PROMULGATE RULES CONCERNING THE

1 ADMINISTRATION AND ENFORCEMENT OF THIS SUBSECTION (5), INCLUDING  
2 RULES THAT ESTABLISH A TESTING METHODOLOGY TO DETERMINE THE  
3 PRESENCE OF GENETICALLY ENGINEERED MATERIAL.

4 **SECTION 3. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.