

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0594.01 Jennifer Berman x3286

HOUSE BILL 14-1058

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HOUSE SPONSORSHIP

Labuda,

SENATE SPONSORSHIP

(None),

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House Committees

Health, Insurance & Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING VOLUNTARY LABELING FOR FOOD THAT DOES NOT  
102 CONTAIN GENETICALLY ENGINEERED MATERIAL.

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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 permits a person who sells, distributes, or offers for sale food in Colorado to label the food as not containing genetically engineered material if:

- ! The food contains less than one percent genetically engineered material; and

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.*

! The person submits an affidavit to the department of public health and environment affirming that to the best of the person's knowledge the food contains less than one percent genetically engineered material, or, if the food is a raw agricultural commodity, the food was not grown, raised, or produced through genetic engineering and was segregated from goods that may have been genetically engineered.

A person who falsely labels food sold, distributed, or offered for sale in Colorado as not containing genetically engineered material violates the prohibition against misbranding food.

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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" OR "GENETIC ENGINEERING"  
7 MEANS THE ALTERATION OF ORGANISMS AND BIOLOGICAL MATERIALS AT  
8 THE MOLECULAR OR CELLULAR LEVEL BY MEANS THAT ARE NOT POSSIBLE  
9 UNDER NATURAL CONDITIONS OR PROCESSES. "GENETIC ENGINEERING"  
10 INCLUDES RECOMBINANT DEOXYRIBONUCLEIC ACID (DNA) AND  
11 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 THE  
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, **add** 25-5-419.5 as  
19 follows:

20 **25-5-419.5. Voluntary labeling for food that does not contain**

1 **genetically engineered material - rules.** (1) (a) A PERSON MAY AFFIX A  
2 LABEL TO FOOD SOLD, DISTRIBUTED, OR OFFERED FOR SALE IN COLORADO  
3 INDICATING THAT THE FOOD DOES NOT CONTAIN GENETICALLY  
4 ENGINEERED MATERIAL IF:

5 (I) THE FOOD CONTAINS LESS THAN ONE PERCENT GENETICALLY  
6 ENGINEERED MATERIAL; AND

7 (II) THE PERSON SUBMITS TO THE DEPARTMENT AN AFFIDAVIT  
8 AFFIRMING THAT, TO THE BEST OF THE PERSON'S KNOWLEDGE:

9 (A) THE FOOD CONTAINS LESS THAN ONE PERCENT GENETICALLY  
10 ENGINEERED MATERIAL; OR

11 (B) IF THE FOOD IS A RAW AGRICULTURAL COMMODITY, THAT THE  
12 FOOD WAS NOT GROWN, RAISED, OR PRODUCED THROUGH THE USE OF  
13 GENETIC ENGINEERING AND WAS SEGREGATED FROM GOODS THAT MIGHT  
14 HAVE BEEN GENETICALLY ENGINEERED.

15 (b) A LABEL AUTHORIZED BY PARAGRAPH (a) OF THIS SUBSECTION  
16 (1) MUST STATE:

17 **THIS PRODUCT DOES NOT CONTAIN**  
18 **GENETICALLY ENGINEERED MATERIAL.**

19 (2) A PERSON WHO FALSELY LABELS FOOD SOLD, DISTRIBUTED, OR  
20 OFFERED FOR SALE IN COLORADO AS NOT CONTAINING GENETICALLY  
21 ENGINEERED MATERIAL MISBRANDS THE FOOD, AS DESCRIBED IN SECTION  
22 25-5-411 (1) (a), IN VIOLATION OF SECTION 25-5-403 (1) (b).

23 (3) THE DEPARTMENT MAY PROMULGATE RULES CONCERNING THE  
24 ADMINISTRATION AND ENFORCEMENT OF THIS SECTION, INCLUDING RULES  
25 THAT ESTABLISH A TESTING METHODOLOGY TO DETERMINE THE PRESENCE  
26 OF GENETICALLY ENGINEERED MATERIAL.

27 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.