

SENATE BILL 696

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, Part 1 and Title 53, relative to food labeling requirements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, is amended by adding the following language as a new chapter:

**53-4-101.** This chapter shall be known and may be cited as the “Genetically Engineered Food Labeling Act.”

**53-4-102.** The general assembly declares that it is the purpose of this chapter to:

(1) Assist consumers who are concerned about the potential effects of genetic engineering in making informed purchasing decisions;

(2) 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, especially consumers with religious dietary restrictions; and

(3) Ensure consumers are provided with data from which they may make informed decisions for personal, religious, moral, cultural, or ethical reasons.

**53-4-103.** As used in this chapter:

(1) “Department” means the department of agriculture;

(2) “Food” means an edible substance, beverage, or ingredient that is used or intended for use in whole or in part for human consumption; and

(3) “Genetically engineered” means any food produced by or from any organism with materially altered genetics resulting from the following:

(A) In vitro nucleic acid techniques, including recombinant ribonucleic acid (RNA) techniques, recombinant deoxyribonucleic acid (DNA) techniques, and the direct injection of nucleic acid into cells or organelles; or

(B) A fusion of cells, including protoplast fusion, or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, when the donor DNA, RNA, cells, or protoplasts do not fall within the same taxonomic family, not occurring by natural multiplication or natural recombination.

**53-4-104.**

(a) Any food offered for retail sale that is genetically engineered shall be accompanied by a conspicuous disclosure that states “Produced with Genetic Engineering.” The statement shall be located on the package for all packaged food or, in the case of unpackaged food, on a card or label on the store shelf or bin in which the food is displayed.

(b) Any food that is subject to disclosure under subsection (a) shall not be described on the label or by similar identification as “natural.”

(c) Any food that is genetically engineered that does not display the disclosure required under subsection (a), or that is labeled or identified as natural in violation of subsection (b), shall be considered misbranded, except that:

(1) A food shall not be considered misbranded if the food is produced by a person who:

(A) Grows, raises, or otherwise produces food without knowledge that the food was created from seeds or other food that was genetically engineered; and

(B) Obtains a sworn statement from the person from whom the seeds or other food was obtained that the seeds or other food was not knowingly genetically engineered and was segregated from and not

knowingly commingled with any seeds or food component that may have been genetically engineered;

(2) A food product derived from an animal shall not be considered misbranded if the animal was not genetically engineered but was fed genetically engineered feed; and

(3) A packaged, processed food shall not be considered misbranded if the total weight of the processed food that was genetically engineered is less than nine-tenths percent (0.9%) of the total weight of the processed food.

**53-4-105.**

(a) A distributor or retailer that sells or advertises food that is genetically engineered and fails to make the disclosure required under § 53-4-104 shall not be subject to liability in any civil action to enforce this chapter if the distributor or retailer relied on the affidavit provided by the producer or grower pursuant to subsection (b) stating that the food is not subject to the disclosure requirements under this chapter.

(b) The commissioner shall develop an affidavit to be completed and signed by a producer or grower of food certifying that the food being shipped is not subject to the disclosure requirements of this chapter.

**53-4-106.**

The "Produced with Genetic Engineering" label required by § 53-4-104 shall not be required for:

(1) Food that is not separately packaged or labeled; provided, the words "Produced with Genetic Engineering" is located clearly and conspicuously on the label appearing on the retail store shelf or bin in which the food is displayed for sale;

(2) Food that is not packaged for retail sale and that:

(A) Is a processed food prepared and intended for immediate human consumption; or

(B) Is served, sold, or otherwise provided in any restaurant or other food establishment that is primarily engaged in the sale of food prepared and intended for immediate human consumption;

(3) Chewing gum;

(4) Alcoholic beverages and wine as defined in § 57-3-101, or beer as defined in § 57-5-101;

(5) Food that a physician prescribes as medically necessary; or

(6) Food that is certified to be labeled, marketed, and offered as organic under the federal Organic Foods Production Act of 1990 (7 U.S.C. § 6501, et seq.).

**53-4-107.**

(a) The department shall assess a fine against any person in violation of this chapter. The fine shall not exceed one thousand dollars (\$1,000) per day, for each misbranded product.

(b) No private right of action shall be commenced under this chapter.

**53-4-108.** The requirements of this chapter shall be in addition to any labeling requirements pursuant to federal law or this title.

SECTION 2. Tennessee Code Annotated, Section 53-1-103(a), is amended by adding the following as a new subdivision:

( ) The sale, delivery for sale, holding for sale, or offering for sale of any genetically engineered food having a label that is misleading or missing, in violation of the Genetically Engineered Food Labeling Act, compiled in chapter 4, part 1 of this title;

SECTION 3. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

( ) The sale, delivery for sale, holding for sale, or offering for sale of any genetically engineered food having a label that is misleading or missing, in violation of the Genetically Engineered Food Labeling Act, compiled in title 53, chapter 4, part 1;

SECTION 4. The commissioner of agriculture is authorized to promulgate rules to effectuate the purposes of this act. All rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2016, the public welfare requiring it.