

SENATE BILL 991

By Burks

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

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

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, is amended by adding Sections 2 through 4 of this act as a new, appropriately designated part.

SECTION 2. This part shall be known and may be cited as the "Genetically Engineered Food Labeling Act of 2009".

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Agricultural product" means an agricultural, horticultural, viticultural or vegetable product grown or produced;

(2) "Department" means the department of agriculture;

(3) "Food" means articles used for food or drink, articles used for components, including a food additive, of those articles and chewing gum;

(4) "Food additive" means a substance, the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of food, including a substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food and including a source of radiation intended for such use;

(5) "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, introducing a foreign gene and changing the positions of genes. "Genetically engineered" does not mean breeding, conjugation, fermentation, hybridization, in vitro fertilization and tissue culture processes;

(6) "Label" means a display of written, printed or graphic matter that is placed upon or connected to the immediate container or surface of any article and that also appears on the outside container or wrapper, if any, of the bulk, wholesale or retail package of that article or is easily legible through the outside container or wrapper of such article;

(7) "Labeling" means all labels and other written, printed or graphic matter upon an article or any of its containers or wrappers or accompanying that article;

(8) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture or any legal or commercial entity; and

(9) "Principal display panel" means that part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for bulk, wholesale or retail sale.

SECTION 4.

(a) Food in the following categories that is sold or distributed in or from this state shall bear a label, created by the department, that is plainly visible on the principal display panel and contains the conspicuous words "genetically engineered":

(1) Food 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 (.10%) of the weight of any portion of that food;

(2) Food 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) Food derived from agricultural products cultivated using genetically engineered agricultural agents, whether or not such agents are present in the final food product;

(4) Dairy and meat products 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) Genetically engineered food that is significantly altered in composition or nutritional value, or that requires preparation steps different from its natural counterparts that shall, in addition to being labeled "genetically engineered", be labeled to specify such changes in properties;

(6) Genetically engineered food resulting from trans-species gene transfers that shall, in addition to being labeled "genetically engineered", be labeled to specify the source of the trans-species gene used and the purpose of the transfer; and

(7) Genetically engineered food resulting from transfer of animal genes into plants that shall be labeled to indicate such fact in a manner that will allow vegetarians and those with dietary restrictions to observe their dietary guidelines.

SECTION 5. Tennessee Code Annotated, Section 53-1-103(a), is amended by adding the following as a new, appropriately designated subdivision:

() The sale, delivery for sale, holding for sale or offering for sale of any genetically engineered food whose label is misleading, in violation of Genetically

Engineered Food Labeling Act of 2009 or any rule or regulation promulgated under this act;

SECTION 6. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new, appropriately designated subdivision:

() The sale, delivery for sale, holding for sale or offering for sale of any genetically engineered food whose label is misleading, in violation of Genetically Engineered Food Labeling Act of 2009.

SECTION 7. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.