

A-Engrossed
House Bill 4122

Ordered by the House February 15
Including House Amendments dated February 15

Sponsored by Representatives HOLVEY, BUCKLEY; Representatives BARNHART, BOONE, FREDERICK, GALLEGOS, GOMBERG, GORSEK, GREENLICK, KENY-GUYER, KOMP, LIVELY, NATHANSON, NOSSE, PILUSO, Senators DEMBROW, PROZANSKI (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Allows local government to inhibit or prevent production or use of seed or seed products for purpose of protecting seed or products that are not genetically engineered from adverse impacts of genetically engineered seed or products.]

Requires labeling of genetically engineered fish sold or offered for sale for human consumption. Requires labeling of packaged products containing genetically engineered fish and sold or offered for sale for human consumption.

A BILL FOR AN ACT

Relating to genetically engineered goods.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 6 of this 2016 Act are added to and made a part of ORS 616.205 to 616.295.

SECTION 2. As used in this section and sections 3 to 5 of this 2016 Act:

(1)(a) "Genetically engineered" means produced from one or more organisms in which the genetic material has been changed through the application of:

(A) Vector-based recombinant deoxyribonucleic acid or ribonucleic acid techniques, direct introduction of deoxyribonucleic acid or ribonucleic acid into cells or organelles or other in vitro nucleic acid techniques; or

(B) Methods of fusing cells or protoplasts beyond the taxonomic family that overcome natural physiological, reproductive or recombination barriers.

(b) "Genetically engineered" does not mean resulting from:

(A) Conjugation, transduction, hybridization or other techniques used in traditional breeding and selection; or

(B) The use of vaccines necessary for fish health.

(2) "In vitro nucleic acid techniques" means processes in which deoxyribonucleic acid or ribonucleic acid are prepared outside of organisms, then introduced into recipient cells or organisms, in a manner that changes the genetic material of the recipient.

SECTION 3. (1) The Legislative Assembly finds and declares that:

(a) Oregon has a substantial state interest in ensuring that Oregon consumers are fully informed about the fish they purchase for consumption;

(b) Ensuring that Oregon consumers are fully informed about the fish they purchase for consumption includes, but is not limited to, helping consumers to avoid confusion and to

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 have relevant information at the time they purchase fish for consumption and enabling
2 consumers to consider the potential impact of their purchase choices on their health and
3 welfare;

4 (c) The labeling of genetically engineered fish is necessary to ensure that Oregon con-
5 sumers are fully informed about the fish they purchase for consumption;

6 (d) Oregon has a substantial state interest in protecting Oregon's commercial fishing
7 economy and environment;

8 (e) Identifying genetically engineered fish that are offered for retail sale for human con-
9 sumption will help to protect Oregon's commercial fishing economy and environment; and

10 (f) Sections 4 and 5 of this 2016 Act establish a consistent and enforceable standard for
11 labeling genetically engineered fish, and packaged products containing genetically engineered
12 fish, that provides Oregon consumers with reliable production information.

13 (2) It is the intent of the Legislative Assembly that sections 4 and 5 of this 2016 Act fa-
14 cilitate the ability of Oregon consumers to exercise their right to be fully informed about
15 whether the fish they purchase for consumption is genetically engineered.

16 **SECTION 4.** (1) A case, cooler or other display location containing an unpackaged ge-
17 netically engineered fish offered for retail sale for human consumption must have, within the
18 proximity of the fish, a clear and conspicuous label with the words "Genetically
19 Engineered."

20 (2) A shipping container or other wrapping that is used to transport genetically engi-
21 neered fish in bulk or in quantity to a retailer in this state to be sold for human consumption
22 must be labeled in a clear and conspicuous manner with the words "Genetically
23 Engineered." This subsection does not apply to a shipping container or other wrapping used
24 to transport packaged products described in section 5 of this 2016 Act.

25 (3) A genetically engineered fish is misbranded if transported, offered for sale or sold in
26 a manner that violates the labeling requirements described under this section.

27 **SECTION 5.** (1) A packaged product containing genetically engineered fish must be la-
28 beled in a clear and conspicuous manner with the words "Produced with Genetic
29 Engineering" or, to the extent allowed by the State Department of Agriculture by rule, with
30 the words "Partially Produced with Genetic Engineering" if the packaged product is sold or
31 may reasonably be expected to be sold at retail in this state for human consumption and
32 genetically engineered fish is more than nine-tenths of one percent by weight of the con-
33 sumable portion of the packaged product.

34 (2) A packaged product that contains genetically engineered fish and lacks the package
35 labeling required under this section is misbranded.

36 **SECTION 6.** (1) The State Department of Agriculture shall adopt rules for labeling re-
37 quired under sections 4 and 5 of this 2016 Act.

38 (2) Sections 4 and 5 of this 2016 Act:

39 (a) Do not require that the words "Genetically Engineered," "Produced with Genetic
40 Engineering" or "Partially Produced with Genetic Engineering" immediately precede the
41 common name or primary descriptor of the fish or packaged product.

42 (b) Do not apply to fish, or packaged products containing fish, that are intended for use
43 as pet food or fertilizer.

44 (c) Do not apply to shellfish as defined in ORS 622.010.

45 (d) Do not apply to fish or products that are prepared in whole or in part at the site of

1 retail sale and sold in a form for immediate consumption, including but not limited to food
2 that is sold in a restaurant.

3 (e) Do not apply to fish, or packaged or unpackaged products containing fish, if the fish
4 are or were used primarily for medical or scientific research.

5 **SECTION 7.** Sections 4 and 5 of this 2016 Act apply to:

6 (1) Display locations where unpackaged fish is offered for retail sale on or after January
7 1, 2018; and

8 (2) Products containing fish that are packaged on or after January 1, 2018.
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