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Date: (Filing No. H- )

**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 490, L.D. 718, Bill, “An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock”

Amend the bill by striking out the title and substituting the following:

**'An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food'**

Amend the bill in section 1 by inserting before §2591 the following:

**§2591. Purpose**

It is the purpose of this chapter to:

**1. Public health and food safety.** Promote food safety and protect public health by enabling consumers to avoid the potential risks associated with genetically engineered foods and serve as a risk management tool enabling consumers, physicians and scientists to identify unintended health effects resulting from the consumption of genetically engineered foods;

**2. Environmental impacts.** Assist consumers who are concerned about the potential effects of genetic engineering on the environment to make informed purchasing decisions;

**3. Consumer confusion and inadvertent deception.** 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;

**4. Promote economic development.** Create additional market opportunities for those producers who are not certified organic producers and whose products are not produced using genetic engineering and enable consumers to make informed purchasing decisions; and

**COMMITTEE AMENDMENT**

1 **5. Protect religious and cultural practices.** Ensure consumers are provided with  
2 data from which they may make informed decisions for personal, religious, moral,  
3 cultural or ethical reasons.'

4 Amend the bill in section 1 by striking out all of §2592 and inserting the following:

5 **§2592. Disclosure requirements for genetically engineered food**

6 **1. Disclosure.** Beginning 18 months after the effective date of this section, any food  
7 offered for retail sale that is genetically engineered must be accompanied by a  
8 conspicuous disclosure that states "Produced with Genetic Engineering." The statement  
9 must be located on the package for all packaged food or, in the case of unpackaged food,  
10 on a card or label on the store shelf or bin in which the food is displayed.

11 **2. Use of term "natural."** A food that is subject to disclosure under subsection 1  
12 may not be described on the label or by similar identification as "natural."

13 **3. Misbranding.** Any food that is genetically engineered that does not display the  
14 disclosure required under subsection 1 or that is labeled or identified as natural in  
15 violation of subsection 2 is considered misbranded for the purposes of chapter 551,  
16 subchapter 1 except that:

17 A. A food is not considered misbranded if the food is produced by a person who:

18 (1) Grows, raises or otherwise produces that food without knowledge that the  
19 food was created from other seed or other food that was genetically engineered;  
20 and

21 (2) Obtains a sworn statement from the person from whom the food was  
22 obtained that the food was not knowingly genetically engineered and was  
23 segregated from and not knowingly commingled with a food component that may  
24 have been genetically engineered;

25 B. A food product derived from an animal is not considered misbranded if the animal  
26 was not genetically engineered but was fed genetically engineered feed; and

27 C. A packaged processed food is not considered misbranded if the total weight of the  
28 processed food that was genetically engineered is less than 0.9% of the total weight  
29 of the processed food.

30 **4. Rules.** The commissioner may adopt routine technical rules under Title 5, chapter  
31 375, subchapter 2-A for the administration and enforcement of this chapter.'

32 Amend the bill in section 1 in §2593 by striking out all of subsections 1 and 2 (page  
33 2, lines 9 to 16 in L.D.) and inserting the following:

34 **1. Reliance on affidavit.** A distributor or retailer that sells or advertises food that is  
35 genetically engineered that fails to make the disclosure required under section 2593,  
36 subsection 1 is not subject to liability in any civil action to enforce this chapter if the  
37 distributor or retailer relied on the affidavit under section 2596 provided by the producer  
38 or grower stating that the food is not subject to the disclosure requirements under this  
39 chapter.

