

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2942

By: Ortega

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5  
6 AS INTRODUCED

7 An Act relating to agriculture; defining terms;  
8 requiring certain food or seed stock to contain  
9 certain labeling; providing that certain food or seed  
10 stock that does not contain certain labeling be  
11 considered misbranded; providing for exceptions;  
12 permitting Oklahoma Department of Agriculture, Food,  
13 and Forestry to promulgate certain rules; prohibiting  
14 liability if certain individual relied on affidavit;  
15 providing exemptions from disclosure requirements;  
16 requiring Department to develop certain affidavit;  
17 providing for civil penalty; providing for  
18 codification; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 5-308 of Title 2, unless there  
22 is created a duplication in numbering, reads as follows:

23 As used in this act:

24 1. "Commissioner" means the Commissioner of the Oklahoma  
Department of Agriculture, Food, and Forestry;

2. "Genetically engineered" means a process by which a food or  
food ingredient that is produced from an organism or organisms in

1 which the genetic material has been changed through the application  
2 of:

- 3 a. in vitro nucleic acid techniques, including  
4 recombinant DNA (deoxyribonucleic acid) techniques and  
5 the direct injection of nucleic acid into cells or  
6 organelles, or
- 7 b. fusion of cells, including protoplast fusion, or  
8 hybridization techniques that overcome natural  
9 physiological, reproductive or recombination barriers,  
10 where the donor cells or protoplasts do not fall  
11 within the same taxonomic group, in a way that does  
12 not occur by natural multiplication or natural  
13 recombination; and

14 3. "Medical food" means food prescribed by a physician for  
15 treatment of a medical condition.

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 5-309 of Title 2, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. Any food or seed stock offered for retail sale in this state  
20 that is genetically engineered shall be accompanied by a conspicuous  
21 disclosure that states "Produced with Genetic Engineering." The  
22 statement shall be located on the package for all packaged food or  
23 seed stock or, in the case of unpackaged food or seed stock, on a  
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1 card or label on the store shelf or bin in which the food or seed  
2 stock is displayed.

3 B. A food or seed stock that is subject to disclosure under  
4 subsection A of this section may not be described on the label or by  
5 similar identification as "natural".

6 C. Any food or seed stock that is genetically engineered that  
7 does not display the disclosure required under subsection A of this  
8 section or that is labeled or identified as natural in violation of  
9 subsection B of this section is considered misbranded for purposes  
10 of Section 1-1110 of Title 63 of the Oklahoma Statutes, except that:

11 1. A food or seed stock is not considered misbranded if the  
12 food or seed stock is produced by a person who:

13 a. grows, raises or otherwise produces that food or seed  
14 stock without knowledge that the food or seed stock  
15 was created from other seed or other food that was  
16 genetically engineered, and

17 b. obtains a sworn statement from the person whom the  
18 food or seed stock was obtained that the food or seed  
19 stock was not knowingly genetically engineered and was  
20 segregated from and not knowingly commingled with a  
21 food or seed stock component that may have been  
22 genetically engineered;

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1           2. A food produce derived from an animal is not considered  
2 misbranded if the animal was not genetically engineered but was fed  
3 genetically engineered feed; and

4           3. Until November 1, 2019, a packaged processed food is not  
5 considered misbranded if the total weight of the processed food that  
6 was genetically engineered is less than nine-tenths percent (0.9%)  
7 of the total weight of the processed food.

8           D. The Oklahoma Department of Agriculture, Food, and Forestry  
9 may promulgate rules to implement the provisions of this act.

10           SECTION 3.           NEW LAW           A new section of law to be codified  
11 in the Oklahoma Statutes as Section 5-310 of Title 2, unless there  
12 is created a duplication in numbering, reads as follows:

13           A. A distributor or retailer that sells or advertises food or  
14 seed stock that is genetically engineered that fails to make the  
15 disclosure required under this act is not subject to liability in  
16 any civil action to enforce this act if the distributor or retailer  
17 relied on the affidavit under Section 4 of this act provided by the  
18 producer or grower stating that the food or seed stock is not  
19 subject to the disclosure requirements under this act.

20           B. Restaurants are exempt from the disclosure requirements of  
21 this act.

22           C. Alcoholic beverages and medical food are exempt from the  
23 disclosure requirements of this act.

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1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 5-311 of Title 2, unless there  
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma Department of Agriculture, Food, and Forestry shall  
5 develop an affidavit form that may be provided by a producer or  
6 grower of food or seed stock to distributors and retailers and that  
7 may be included in shipments of food or seed stock within the state  
8 certifying that the food or seed stock being sold or shipped is not  
9 subject to the disclosure requirements of this act.

10 SECTION 5. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 5-312 of Title 2, unless there  
12 is created a duplication in numbering, reads as follows:

13 A person who violates this act commits a civil violation for  
14 which a fine may be assessed that may not exceed One Thousand  
15 Dollars (\$1,000.00) per day per misbranded product per sales  
16 location.

17 SECTION 6. This act shall become effective November 1, 2014.

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