
HOUSE BILL 2167

State of Washington 60th Legislature 2007 Regular Session

By Representatives Chase, Campbell, Hunt, Hudgins, Morrell, Goodman, Springer, Hasegawa and Conway

Read first time 02/12/2007. Referred to Committee on Select Committee on Environmental Health.

1 AN ACT Relating to food labeling requirements; adding a new chapter
2 to Title 69 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that
5 Washington consumers have a right to accurate, accessible information
6 that will assist them in making educated food purchases. The
7 legislature finds that consumers have an interest in knowing the
8 benefits and potential risks to their health from the products they
9 consume. The legislature finds that consumers value knowing when and
10 where food has been packaged and when technologies such as genetic
11 engineering, irradiation, and modified atmosphere packaging have been
12 applied to the foods that are offered for retail sale. The legislature
13 therefore intends to increase the disclosure of food information to
14 consumers by enhancing existing requirements governing the labeling of
15 certain perishable food products.

16 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
17 section apply throughout this chapter unless the context clearly
18 requires otherwise.

1 (1) "Food irradiation" means the process of exposing food to
2 ionizing radiation in order to disinfect, sanitize, sterilize, or
3 preserve it.

4 (2) "Genetically modified foods" means foods altered or produced
5 through manipulation of genes using recombinant DNA techniques.

6 (3) "Labeling" means all labels and other written, printed, or
7 graphic matter (a) upon any article or any of its containers or
8 wrappers, or (b) accompanying such an article.

9 (4) "Modified atmosphere packaging," "reduced-oxygen packaging,"
10 "low oxygen packaging," "gas flushing packaging," or "vacuum packaging"
11 means controlling the oxygen content in a package to a level below that
12 normally found in the surrounding atmosphere in order to prolong the
13 shelf life of the food within the package.

14 (5) "Package" means the immediate container or wrapping in which
15 any food is contained for consumption, use, or storage by consumers,
16 and also means any outer container or wrapping used in the retail
17 display of such a product to consumers.

18 (6) "Perishable food product" means fruits, vegetables, meats,
19 poultry, or fish intended for human consumption that are packaged other
20 than at the time and point of retail sale, which have a high risk of
21 spoilage within a period of thirty days and are determined by the
22 director of the department of agriculture by rule to be perishable.
23 For purposes of this chapter, "perishable food product" does not
24 include dairy products.

25 (7) "Retail" means selling, offering for sale, or distributing food
26 for dispensing or sale directly to the consumer.

27 (8) "Shelf life" means the length of time during which a packaged
28 food product will retain its safe consumption quality if stored under
29 proper temperature conditions.

30 NEW SECTION. **Sec. 3.** PACKING DATE AND LOCATION DISCLOSURE. No
31 person may sell at retail any perishable food product without having
32 the package in which it is sold include a label clearly discernible to
33 a consumer at the point of sale disclosing the name and location of the
34 company that packed the product and the date on which the packing
35 occurred.

1 NEW SECTION. **Sec. 4.** IRRADIATED FOOD DISCLOSURE. No person may
2 sell at retail any perishable food product that has been irradiated
3 without having the package in which it is sold include a label clearly
4 discernible to a consumer at the point of sale disclosing that the
5 product has been treated with radiation.

6 NEW SECTION. **Sec. 5.** GENETICALLY ENGINEERED FOOD DISCLOSURE. No
7 person may sell at retail any perishable food product that has been
8 genetically engineered without having the package in which it is sold
9 include a label clearly discernible to a consumer at the point of sale
10 disclosing that the product was genetically engineered.

11 NEW SECTION. **Sec. 6.** MODIFIED ATMOSPHERE PACKAGING WITH CARBON
12 MONOXIDE DISCLOSURE. No person may sell at retail any perishable food
13 product that was packed in modified atmosphere packaging with carbon
14 monoxide without having the package in which it is sold include a label
15 clearly discernible to a consumer at the point of sale disclosing
16 carbon monoxide was used.

17 NEW SECTION. **Sec. 7.** CIVIL PENALTY. Whenever the director of the
18 department of agriculture finds that a person has committed a violation
19 of this chapter, the director may impose upon and collect from the
20 violator a civil penalty not exceeding one thousand dollars per
21 violation per day. Each violation is a separate and distinct offense.
22 Imposition of the civil penalty is subject to a hearing under chapter
23 34.05 RCW.

24 NEW SECTION. **Sec. 8.** RULE-MAKING AUTHORITY. The director of the
25 department of agriculture shall, in consultation with the secretary of
26 the department of health, establish by rule uniform standards for the
27 perishable food product labeling required under this chapter, and may
28 establish other rules as may be necessary to carry out the purposes of
29 this chapter.

30 NEW SECTION. **Sec. 9.** CAPTIONS. Captions used in this act are not
31 any part of the law.

1 NEW SECTION. **Sec. 10.** CODIFICATION. Sections 1 through 9 of this
2 act constitute a new chapter in Title 69 RCW.

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