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**Agriculture & Natural Resources  
Committee**

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**HB 2637**

**Brief Description:** Concerning labeling of foods that contain genetically engineered material.

**Sponsors:** Representative Condotta.

**Brief Summary of Bill**

- Creates a requirement that all genetically engineered raw agricultural products and packaged food derived from any genetically engineered ingredients must include clear and conspicuous notification of the fact that genetic engineering was involved in the food's production.

**Hearing Date:** 1/27/12

**Staff:** Jason Callahan (786-7117).

**Background:**

The Washington Intrastate Commerce in Food and Drug Act (Act) is administered by the Washington State Department of Agriculture (WSDA). The regulations prescribed by the Director of the WSDA for labeling requirements must conform so far as is practicable with those prescribed by the federal regulations. Misbranding is addressed in the Act; however, genetically engineered content is not addressed. Any person who violates the provisions concerning the misbranding of any food, as for any other act prohibited under the Act, is guilty of a misdemeanor and is subject to a penalty of up to \$200. For a second violation, the person is subject to imprisonment for up to 30 days and a fine of up to \$500. If the violation is with intent to defraud or mislead, the penalty is imprisonment for up to 90 days and a fine of up to \$1,000.

**Summary of Bill:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

All genetically engineered raw agricultural products and packaged food derived from any genetically engineered ingredients must include clear and conspicuous notification of the fact that genetic engineering was involved in the food's production. This requirement is limited to retail sales after July 1, 2014. For raw agricultural products, the disclosure label must be on the front of any package or, if the items are not individually packaged, on the retail display. The notification for packaged food must appear below the ingredient list.

The Washington State Department of Agriculture (WSDA) is directed to maintain a list of foods that are commonly grown using genetic engineering. Nine such items are identified for the initial list, and the WSDA cannot expand that list until July 1, 2013.

Certain products or retail environments are exempt from the labeling requirements. These exemptions include:

- a raw product not identified by the WSDA on its list of commonly engineered foods;
- a processed food not containing a product identified by the WSDA on its list of commonly engineered foods;
- food consisting of a non-engineered animal even if the animal was fed engineered food;
- products grown without knowledge of, and the intentional use of, genetically engineered seed or food;
- foods produced with the aid of genetically engineered enzymes;
- alcoholic beverages;
- certified organic foods;
- medicinal foods; and
- food served at restaurants.

The labeling and notification requirements are enforceable by the WSDA and through citizen suits. The WSDA may pursue a civil penalty of up to \$1,000 per day per violation. Once the WSDA begins an enforcement action, a citizen may bring a legal challenge in a court of competent jurisdiction if he or she provides a 60-day notice regarding the alleged violation to the WSDA, the Attorney General, and the alleged violator.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2012.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.