

AMENDED IN ASSEMBLY JUNE 29, 2000
AMENDED IN SENATE MAY 11, 2000
AMENDED IN SENATE MAY 1, 2000
AMENDED IN SENATE APRIL 11, 2000
AMENDED IN SENATE APRIL 5, 2000

SENATE BILL

No. 1513

Introduced by Senator Hayden
(Coauthor: Senator Speier)
(Coauthors: Assembly Members Aroner, Bock, and Keeley)

February 16, 2000

An act to add Article ~~8 (commencing with Section 17590)~~ to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code ~~4.5 (commencing with Section 490)~~ to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, relating to genetically engineered food.

LEGISLATIVE COUNSEL'S DIGEST

SB 1513, as amended, Hayden. Genetically engineered food products.

Existing law specifies various powers and duties of the Department of Food and Agriculture and the secretary of the department.

This bill would require the Secretary of Food and Agriculture to establish a working group of qualified professionals with scientific expertise, including biologists, to review and evaluate notifications submitted to the Animal

and Plant Health Inspection Service of the United States Department of Agriculture for the interstate introduction of specified genetically engineered plants. This bill would state the authority by which the working group is permitted to evaluate these notifications. This bill would also require the secretary to report to the Legislature, as specified, by January 1, 2002, and each year thereafter.

~~Existing law requires truthful representations on the labels or containers of consumer goods.~~

~~This bill would require the State of California to assure the right of consumers and the general public to know through product labeling whether food intended for human consumption contains transgenic or engineered products or components.~~

~~This bill would require the Secretary of Food and Agriculture, in consultation with the Director of Health Services and the Secretary of Consumer Affairs to convene an implementing task force to consider whether there is a sound basis for a consumer labeling procedure, and if so, if it could be developed in a clear, cost effective, and administratively efficient manner. The secretary and the task force would be required to evaluate any federal labeling process that may be enacted. The secretary would be required to make a recommendation for a California labeling program to the Legislature no later than January 1, 2002.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Article 8 (commencing with Section~~
 2 ~~SECTION 1. Article 4.5 (commencing with Section~~
 3 ~~490) is added to Chapter 3 of Part 1 of Division 1 of the~~
 4 ~~Food and Agricultural Code, to read:~~
 5
 6 ~~Article 4.5. Genetically Engineered Food Projects~~
 7
 8 ~~490. (a) Pursuant to Part 340 of Title 7 of the Code of~~
 9 ~~Federal Regulations, the Department of Food and~~
 10 ~~Agriculture is authorized to review and comment on~~



1 notifications submitted to the Animal and Plant Health
2 Inspection Service of the United States Department of
3 Agriculture (hereafter “APHIS”) for the interstate
4 introduction of organisms and products altered or
5 produced through genetic engineering which are plant
6 pests or which there is reason to believe are plant pests.

7 (b) The Legislature finds and declares that reviewing
8 and commenting on these types of notifications is an
9 appropriate activity for the department to engage in and
10 that the department should have appropriate staffing to
11 review and comment on these requests.

12 (c) The secretary shall establish a working group of
13 qualified professionals with scientific expertise, including
14 biologists, to review and evaluate notifications to APHIS
15 for the introduction of genetic engineering projects that
16 affect California agriculture.

17 (d) The secretary shall report to the Legislature
18 regarding the activities of the working group and any
19 additional staffing needs by January 1, 2002, and each year
20 thereafter.

21 17590) is added to Chapter 1 of Part 3 of Division 7 of the
22 Business and Professions Code, to read:

23

24 ~~Article 8. The California Genetically Engineered~~
25 ~~Food Products Right to Know Act~~

26

27 ~~17590. The Legislature finds and declares the~~
28 ~~following:~~

29 ~~To ensure that California consumers are able to make~~
30 ~~knowledgeable choices concerning the makeup of their~~
31 ~~food, manufacturers, producers, and distributors of food~~
32 ~~intended for human consumption may label or otherwise~~
33 ~~provide legible disclosure, or other consumer notification~~
34 ~~procedure if deemed appropriate by the task force,~~
35 ~~concerning the presence of transgenic or engineered~~
36 ~~products or components of foodstuffs offered for sale in~~
37 ~~this state. The purpose of the right to know is to provide~~
38 ~~consumers with information necessary to allow them to~~
39 ~~make knowledgeable choices in the marketplace. It is not~~
40 ~~to imply that a particular product is unsafe.~~



1 17591. For purposes of this article, the following
2 definitions may be considered by the task force:

3 (a) “Transgenic or engineered products” include, but
4 are not limited to, products constructed using techniques
5 that alter the molecular or cell biology of the intended
6 plant or animal by means including, but not limited to,
7 insertions of novel, nonspecies-related DNA through any
8 technique such as cell fusion, micro-encapsulation or
9 macro-encapsulation, and viral or bacterial gene vectors
10 that bring phylogenetically distant DNA into organisms’
11 genome. “Transgenic or engineered products” are not
12 intended to include food crops produced by wide crosses,
13 embryo rescue, or induced mutation.

14 (b) “Transgenic or engineered organism” means any
15 living organism whose genetic makeup has been altered
16 through the addition of novel, nonspecies-related genetic
17 material not otherwise part of the genetic makeup of that
18 organism. Nonspecies-related genetic material includes
19 any phylogenetically distant genetic material not
20 normally exchanged within or between related species or
21 cultivars.

22 17592. (a) The State of California shall assure the
23 right of consumers and the general public to know
24 through product labeling whether food intended for
25 human consumption contains transgenic or engineered
26 products or components.

27 (b) A clear consumer label may be necessary for all
28 products intended for human consumption, including
29 processed foods, raw vegetables or fruits, fruit
30 supplements, vitamins, or foodstuffs from animal
31 production, that are transgenic or engineered or contain
32 transgenic or engineered organisms.

33 17593. (a) The Secretary of the Department of Food
34 and Agriculture, in consultation with the Director of
35 Health Services and the Secretary of Consumer Affairs,
36 shall convene an implementing task force to consider
37 whether there is a sound basis for a consumer labeling
38 procedure, and if so determined how such a procedure
39 could be developed in a clear, cost-effective, and
40 administratively efficient manner. In addition, the task



1 force shall consider if a consumer labeling procedure is
2 deemed necessary, how one should be developed for
3 restaurants, bakeries, other food preparation
4 establishments.

5 (b) The task force shall be composed of appropriate
6 state agencies and shall solicit input from agricultural,
7 business, consumer, and environmental interests.

8 (c) If the federal government enacts legislation
9 concerning the labeling of transgenic or engineered
10 products, the secretary and the task force shall assess
11 whether the federal labeling requirements are adequate
12 to achieve the goals of this article. The secretary may
13 recommend against labeling if the federal government
14 has established a clear consumer labeling process that is
15 comprehensive in maximizing the consumer's right to
16 know. The Director of Health Services and the Secretary
17 of Consumer Affairs shall concur in the recommendation.

18 (d) The secretary shall establish a unit of qualified
19 professionals with scientific expertise to evaluate and
20 review federal applications for transgenic or genetic
21 engineering projects that affect California agriculture.
22 Establishment of the unit shall be dependent on a budget
23 appropriation.

24 (e) The secretary may convene a statewide
25 conference of scientific and academic experts to evaluate
26 the range of issues concerning biotechnology and the
27 public's right to know, including, but not limited to, food
28 products.

29 (f) The Director of Health Services shall evaluate
30 current studies concerning the potential health effects, if
31 any, of transgenic or engineered products or organisms,
32 and convey any assessments or recommendations to the
33 secretary and the task force. The director shall consult
34 with the Secretary of Environmental Protection and
35 solicit expert evaluation from the Office of
36 Environmental Health Hazard Assessment.

37 (g) The Secretary of Consumer Affairs shall consider
38 the most effective manner of assuring the consumer's
39 right to know, including labeling techniques, and make



1 ~~recommendations to the Secretary of Food and~~
2 ~~Agriculture and the task force.~~
3 ~~(h) The secretary shall make recommendations for a~~
4 ~~California labeling program to the Legislature no later~~
5 ~~than January 1, 2002.~~

