

# Please Support H.112 – Label GMOs Now!

*H.112 – the Vermont Right to Know bill – would allow consumers to make informed decisions regarding the potential health effects of the food they purchase, inform the purchasing decisions of consumers concerned about the environmental impacts of their food, prevent consumer confusion and deception, disclose factual information, and protect religious practices.*



## Summary of H.112 – The Vermont Right to Know Bill

(as passed by Senate Judiciary Committee with Senate Appropriations Amendment note)

### Findings

- U.S. Federal Law does not provide for the labeling of food produced with genetic engineering.
- The FDA has not determined that genetically engineered foods are "materially different" from other foods, and therefore does not require labeling. The FDA does not conduct independent safety tests before allowing these foods on the market.
- There is no consensus on the safety of genetically engineered foods.
- GE foods potentially pose risks to health, safety, agriculture, and the environment.
- The State of Vermont finds that genetically engineered foods should be labeled to prevent inadvertent consumer confusion or deception, prevent potential risks to human health, protect religious practices and protect the environment.
- Without labels, consumers have incorrect assumptions about whether their foods are genetically engineered.

### Labeling of Food Produced with Genetic Engineering

- Food for human consumption offered for retail sale in Vermont that is entirely or partially produced with genetic engineering shall be labeled to indicate this fact, as of July 1, 2016.
- Raw agricultural commodities shall be labeled with the words "produced with genetic engineering" on the package. If the product is not individually packaged this label will be put on the bin or shelf.
- Processed foods shall be labeled either "partially produced with genetic engineering" or "may be partially produced with genetic engineering" or "produced with genetic engineering."
- Food produced with genetic engineering shall not be labeled as "natural," "naturally grown," "all natural," "naturally made" or anything similar that would tend to mislead a consumer.

### Exemptions

- Food consisting of, or derived from an animal which itself has not been produced with genetic engineering.
- Food that has been produced without the knowing or intentional use of genetic engineering, evidenced by a sworn statement from the supplier or producer.
- Food that would be required to be labeled because it contains genetically engineered processing aids or enzymes.
- Alcoholic beverages.
- Food with genetically engineered material which accounts for less than 0.9% of the total weight of the food.
- Food that has been verified as non-genetically engineered by an approved certifying organization.
- Food offered for immediate human consumption or food served at a restaurant.
- Medical food.

### Retailer Liability

- Retailers shall not be liable for the failure to label processed foods as long as they are not the manufacturer of that food.
- Retailers will not be held liable for failure to label raw agricultural commodities as long as they can produce a sworn statement from the distributor or producer that the food is not genetically engineered.

### Penalties

- Any person who violates the requirements of the law shall be liable for no more than \$1,000 per day per product. This shall not be inflated by the number of packages displayed or offered for sale.
- The Attorney General shall have the authority to make rules, conduct civil investigations and commence civil actions in order to enforce this law.



## Rulemaking

- The Attorney General may adopt a rule outlining the requirements for the implementation of the law.
- The label might include a disclaimer that the FDA does not consider foods produced from genetic engineering to be materially different from other foods.
- The Attorney General may require a label that is consistent with other jurisdictions.

## Genetically Engineered Food Labeling Special Fund – NOTE SENATE APPROPRIATIONS AMENDMENT BELOW

- The bill would establish a special fund to be made available to the Attorney General to pay costs or liabilities incurred in implementation and administration of the law, including rulemaking.
  - Funds could also be made available from the fund to the Secretary of Commerce and Community Development to assist manufacturers and retailers of food to meet the requirements outlined in the bill.
- The fund will consist of recoveries obtained by the Attorney General (except those already appropriated by law), such as settlement monies, that exceed the estimated amounts of settlement proceeds in the official fiscal forecast for FY2015; private donations; and any funds appropriated by the General Assembly.
- If in FY2015, \$1.5million is not available per the above, the Attorney General shall include in the FY2016 budget proposal the monies necessary to implement the requirements of the bill.

## Attorney General Report on the Labeling of Milk

- The Attorney General, in consultation with the Agency of Agriculture, will report by January 15, 2015, on whether milk and milk products should be subject to the labeling requirements of the bill. The report will include both a recommendation as to whether milk and milk products should be labeled, and the legal basis for the recommendation.
  - If the Attorney General believes that it is not in the best interest of the State to submit the report by January 15, 2015 (in order to defend the interests of the state), the Attorney General may notify the General Assembly and then must estimate the date when the report shall be submitted.

## Effective Date

- The Attorney General's rulemaking authority, the special fund, and the milk report sections shall take effect on passage.
- The remainder of the bill will go in to effect on July 1, 2016.

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## SENATE APPROPRIATIONS AMENDMENT

The Senate Appropriations Committee proposes an amendment to the Genetically Engineered Food Labeling Special Fund section of the bill. Under this amendment, the fund would be created to pay costs or liabilities incurred by the Attorney General or the State in implementation and administration, including rulemaking, of the requirements under the bill.

The Fund will include:

1. Private donations made from any public or private source;
2. Recoveries obtained by the Attorney General (except those already appropriated by law), such as settlement monies, that exceed the estimated amounts of settlement proceeds in the official fiscal forecast for FY2015;
3. Any funds transferred by the General Assembly into the fund.

The Fund will first use donation money to pay for costs incurred, and then use State funds.

If there are donated monies still in the fund after July 1, 2018 and the Attorney General is not involved in any ongoing litigation about this law, then the funds will be re-appropriated by the General Assembly after review by the Appropriations committees in consultation with the Agriculture committees, for the support of agricultural activities or purposes in the state, including but not limited to the promotion of value-added products, compliance with water quality requirements, and marketing assistance and development.

Unexpended state funds will revert to the General Fund.

The Appropriations amendment also changes the word "include" to "request" in the last provision:

*If in FY2015, \$1.5million is not available per the above, the Attorney General shall include in the FY2016 budget proposal the monies necessary to implement the requirements of the bill.*