

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 88

Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Allen, Ammiano, Chesbro, and
Monning)

January 6, 2011

An act to add Section 110756 to the Health and Safety Code, relating to food labeling.

LEGISLATIVE COUNSEL'S DIGEST

AB 88, as amended, Huffman. Food labeling: genetically engineered food.

The Sherman Food, Drug, and Cosmetic Law makes it unlawful to manufacture, sell, deliver, hold, or offer for sale, any food that is misbranded. Food is misbranded if its labeling does not conform to specified federal labeling requirements regarding nutrition, nutrient content or health claims, and food allergens. Violation of this law is a misdemeanor.

This bill would state the intent of the Legislature to enact legislation to require the labeling of all genetically engineered salmon entering and sold within the state.

This bill would provide that food is misbranded if the food is a genetically engineered fish or fish product, as defined, and its labeling does not conspicuously identify the fish or fish product as genetically engineered. This bill would make related findings. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Wild Pacific salmon are a critical natural and cultural
4 resource of California, and are under increasing environmental
5 stress. More than 106 major salmon runs in northern California
6 and the Pacific Northwest are extinct and another 214 runs of wild
7 ~~salmon are at risk of extinction. An escaped genetically engineered~~
8 ~~fish could pose additional environmental risk to California's~~
9 ~~already stressed wild salmon populations and coastal ecosystems.~~
10 *salmon are at risk of extinction. Escaped genetically engineered*
11 *fish could pose additional environmental risks to California's*
12 *already stressed wild fish populations and coastal ecosystems by,*
13 *among other things, imposing new competitive pressures on these*
14 *populations for food and space, interfering with effective breeding*
15 *and reproduction, and spreading disease.*

16 (b) The west coast salmon fishing industry, including both
17 commercial and recreational components, has lost an estimated
18 72,000 jobs over the last 20 years. In the face of market confusion,
19 seafood consumers may avoid purchasing salmon altogether to
20 avoid genetically engineered salmon which would further
21 negatively impact California's wild salmon fishermen.

22 (c) The Legislature, in recognizing the potential risk to wild
23 fish populations posed by the farming of genetically engineered
24 fish, banned these practices in the waters of the state in 2004.

25 (d) The United States Food and Drug Administration is currently
26 weighing approval of the first genetically engineered salmon for
27 human consumption and determining whether labeling of
28 genetically engineered salmon in the marketplace is warranted.

(e) The United States Food and Drug Administration's current review of genetically engineered salmon does not adequately consider the potential environmental effects and health effects associated with genetically engineered salmon, including, but not limited to, risks to native salmon populations and other freshwater and marine species.

(f) Public opinion polls indicate that 95 percent of the public want labeling of genetically modified foods and that nearly 50 percent of the public would not eat seafood that has been genetically engineered.

(g) Concerns about genetically ~~altered salmon~~ *engineered fish* include, but are not limited to, the following:

(1) Human health risks, including, but not limited to, potential allergenicity.

(2) Negative environmental impacts to our wildlife and ecosystems including, but not limited to, negative impacts on freshwater and marine habitats.

(3) Religious-, ethical-, and cultural-based dietary restrictions.

(h) Accurate and truthful labeling to describe whether or not salmon is genetically engineered is the easiest and most protective practice to provide additional transparency in the state's seafood supply chain so that individuals may protect their health and California's environment.

SEC. 2. It is the intent of the Legislature to enact legislation to require the labeling of all genetically engineered salmon entering and sold within the state.

SEC. 3. *Section 110756 is added to the Health and Safety Code, to read:*

110756. (a) Any food is misbranded if the food is a genetically engineered fish or fish product and its labeling does not conspicuously identify the fish or fish product as genetically engineered.

(b) For purposes of this section, "genetically engineered fish or fish product" means any of the following:

(1) A salmon or other finfish whose genetic structure has been altered at the molecular level by means that are not possible under natural conditions or processes, including recombinant DNA and RNA techniques, cell fusion, gene deletion or doubling, introduction of exogenous genetic material, alteration of the position of a gene, or similar procedure.

1 (2) *The progeny of a salmon or other finfish described in*
2 *paragraph (1).*

3 (3) *A product prepared from a salmon or other finfish described*
4 *in paragraph (1).*

5 SEC. 4. *No reimbursement is required by this act pursuant to*
6 *Section 6 of Article XIII B of the California Constitution because*
7 *the only costs that may be incurred by a local agency or school*
8 *district will be incurred because this act creates a new crime or*
9 *infraction, eliminates a crime or infraction, or changes the penalty*
10 *for a crime or infraction, within the meaning of Section 17556 of*
11 *the Government Code, or changes the definition of a crime within*
12 *the meaning of Section 6 of Article XIII B of the California*
13 *Constitution.*