

## **Act No. 120 (H.112). Consumer protection; food labeling; genetic engineering**

### **An act relating to the labeling of food produced with genetic engineering**

This act requires food that is intended for human consumption and that is offered for sale on or after July 1, 2016 to be labeled as produced from genetic engineering if the food was entirely or partially produced with genetic engineering. The act also prohibits a manufacturer of a food produced entirely or in part from genetic engineering from labeling the product on the package, in signage, or in advertising as “natural,” “naturally made,” “naturally grown,” “all natural,” or any other similar words.

The act provides how food produced with genetic engineering shall be labeled. For a packaged raw agricultural commodity, the manufacturer of the food shall label the package offered for retail sale with the words “produced with genetic engineering.” For any raw agricultural commodity that is not separately packaged, the retailer shall post a label on the retail store shelf or bin where the commodity is displayed for sale with the words “produced with genetic engineering.” For any processed food that contains a product of genetic engineering, the manufacturer of the food shall label the package offered for sale with the words: “partially produced with genetic engineering,” “may be produced with genetic engineering,” or “produced with genetic engineering.”

Under the act, certain foods are not subject to the labeling requirements. These foods include: food consisting entirely of or derived entirely from an animal that has not itself been produced with genetic engineering; a raw agricultural commodity or processed food that has been grown, raised, or produced without the knowing or intentional use of food or seed produced with genetic engineering, provided that the person responsible for labeling has obtained a sworn statement to that effect; processed food subject to labeling solely because it contains a processing aid or enzyme produced with genetic engineering; alcoholic beverages; processed food with genetically engineered materials that in the aggregate do not account for more than 0.9 percent of the total weight; food certified by an independent organization as not having been knowingly or intentionally produced from or commingled with food or seed produced with genetic engineering; unpackaged processed food intended for immediate human consumption; food served, sold, or otherwise provided in a restaurant or other food establishment; and medical food.

Under the act, a retailer shall not be liable for the failure to label a processed food, unless the retailer is the producer or manufacturer of the processed food. A retailer shall not be held liable for failure to label a raw agricultural commodity if the retailer, within 30 days of any proposed enforcement action or notice of violation, obtains a sworn statement that the raw agricultural commodity was not knowingly or intentionally produced with genetic engineering.

A violation of the labeling requirements of the act is a civil penalty of not more than \$1,000.00 per day, per product. Calculation of the civil penalty shall not be made or multiplied by the number of individual packages of the same product offered for retail sale. The Vermont Attorney General shall enforce and implement the act and shall have the same authority for enforcement and implementation as under the Consumer Protection Act. The act authorizes the Attorney General in rule to require a disclaimer on the required label or to alter the label requirements to be consistent with other jurisdictions. Consumers also

shall have the same rights and remedies as provided under the Consumer Protection Act, including the right to a private cause of action for damages.

The act establishes a Genetically Engineered Food Labeling Special Fund to pay the costs and liabilities incurred by the Attorney General in implementing the requirements of the act. The fund is authorized to collect private donations. The Attorney General shall report to the General Assembly in January 2015 regarding whether milk and milk products should be subject to a labeling requirement under the act.

Multiple effective dates, beginning on May 8, 2014. The Attorney General's rulemaking authority, the establishment of the special fund, and the required report from the Attorney General take effect on May 8, 2014. The requirements for labeling of food produced with genetic engineering take effect on July 1, 2016.