

JAN 23 2009

S.B. NO. 237

A BILL FOR AN ACT

RELATING TO GENETICALLY ENGINEERED FISH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Traditional Polynesian cultures, heavy Asian
2 influences, and tourist driven demand for seafood make seafood
3 consumption and commercial fishing culturally and economically
4 significant activities in Hawaii. Hawaii's per capita seafood
5 consumption is greater than three times the national average.
6 In 2005, Hawaii's commercial fishing industry landed over
7 24,000,000 pounds of commercial fish for approximately
8 \$43,000,000 in sales.

9 Over thirty-five species of genetically engineered fish are
10 under development. These fish are engineered with various
11 traits, for example to grow more rapidly or to resist certain
12 diseases. In 2002, a committee of the National Academy of
13 Sciences released a report on the potential risks and benefits
14 of genetically engineered animals. The committee found that
15 salmon that had been genetically engineered to grow more rapidly
16 raised unique concerns, including the risk of negatively
17 impacting populations of wild salmon. One company has already



1 requested approval from the United States Food and Drug
2 Administration to sell its genetically engineered Atlantic
3 salmon in the United States for human consumption.

4 In September 2008, the United States Food and Drug
5 Administration issued draft guidelines for the regulation of
6 genetically engineered animals. Although the guidelines require
7 that a genetically engineered fish product be proven safe for
8 human consumption, the guidelines do not currently state whether
9 the fish product label shall identify its origin. Consumption
10 of genetically engineered fish products may include health risks
11 such as exposure to new toxins or allergens.

12 Proper labeling of genetically engineered fish is a concern
13 in Hawaii because in addition to locally grown seafood, Hawaii
14 also imports and consumes significant quantities of seafood from
15 the United States mainland and from foreign countries.

16 The purpose of this Act is to prohibit the sale of
17 genetically engineered fish and genetically engineered fish
18 products unless conspicuously labeled.

19 SECTION 2. Chapter 486, Hawaii Revised Statutes, is
20 amended by adding a new section to part V, to be appropriately
21 designated and to read as follows:



1 "§486- Genetically engineered fish and fish products;
2 labeling; identification. (a) No genetically engineered fish
3 or genetically engineered fish product may be sold in the State
4 for consumption in the State of Hawaii unless it is
5 conspicuously labeled to identify the fish or fish product as a
6 genetically engineered fish or genetically engineered fish
7 product, whether the fish or fish product is sold in a packaged
8 or unpackaged form.

9 (b) For the purposes of this section, unless the context
10 requires otherwise:

11 "Genetically engineered fish" means a finfish or shellfish,
12 or any progeny of either, whose genetic structure has been
13 altered at the molecular level by means that are not possible
14 under natural conditions or by natural processes, including
15 recombinant deoxyribonucleic acid or ribonucleic acid
16 techniques, cell fusion, gene deletion or doubling, introduction
17 of exogenous genetic material, alteration of the position of a
18 gene, or similar procedure.

19 "Genetically engineered fish product" means a fish product
20 prepared from a genetically engineered fish.

21 (c) Any person who violates this section shall be subject
22 to penalties under section 486-32."



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SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Genetically Engineered Fish; Labeling

Description:

Prohibits the sale of genetically engineered fish or genetically engineered fish products unless for consumption in the State of Hawaii and appropriately labeled as genetically engineered fish or genetically engineered fish products.

