



GENETICALLY ENGINEERED FOOD LABELING

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ISSUE

This report briefly describes (1) the status of other states' laws for purposes of the "trigger clause" in Connecticut's law on labeling genetically engineered food and (2) related federal legislation.

SUMMARY

In 2013, Connecticut enacted a labeling requirement for genetically engineered food, but the requirement has not yet taken effect. Genetically engineered food is food produced from an organism whose genetic material has been changed through certain techniques. Under this law, certain foods intended for human consumption that are entirely or partially genetically engineered must be labeled as such. This requirement goes into effect in the October following the consumer protection commissioner's recognition that four other states meeting specified criteria have enacted similar laws. One such state must border Connecticut and the total population of such states in the northeast must exceed 20 million based on 2010 census figures ([CGS § 21a-92c](#)).

As defined in the law, the northeast includes the other New England states, New Jersey, New York, and Pennsylvania. To date, only two of these states have passed laws requiring labeling of genetically engineered food: Maine and Vermont. Neither requirement has yet taken effect. No states outside the northeast have enacted such laws.

Maine's law has a similar triggering mechanism as Connecticut's law. Maine's labeling requirement will take effect 18 months after the state certifies that five contiguous states, including Maine, have adopted a similar labeling law. The law is repealed if this threshold is not reached by January 1, 2018 (22 Me. Rev. Stat. Ann. §§ 2591 to 2596).



Vermont's labeling requirement is set to take effect July 1, 2016 (Vt. Stat. Ann. title 9, §§ 3041 to 3048). Four food industry trade organizations have challenged Vermont's law in federal court (the Grocery Manufacturers Association, Snack Food Association, International Dairy Foods Association, and National Association of Manufacturers). The litigation is ongoing. In April 2015, the U.S. District Court denied the plaintiffs' motion for a preliminary injunction to halt enforcement of the law (*Grocery Mfrs. Ass'n et al. v. Sorrell*, 102 F.Supp.3d 583 (D. Vt. 2015)). The plaintiffs appealed that decision to the Second Circuit.

Several other states have considered similar legislation. Information on 2015 bills is available from the [National Conference of State Legislatures](#).

In July 2015, the U.S. House passed legislation that would, among other things, (1) establish a voluntary genetically engineered food certification program and (2) preempt states' ability to require labeling of genetically engineered food (the Safe and Accurate Food Labeling Act of 2015). The legislation has not been voted on in the Senate. A summary of the bill is available on the congressional [website](#).

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