

Introduced by Senator MigdenJanuary 24, 2008

An act to add Article 6.8 (commencing with Section 110809) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food labeling.

LEGISLATIVE COUNSEL'S DIGEST

SB 1121, as introduced, Migden. Food labeling: cloned animals.

Existing law provides that food is misbranded if, among other things, it does not bear a label containing specified information. Under existing law, a violation of the provisions relating to the labeling of food products is a crime.

This bill would require a every livestock producer, as defined, who sells or transfers any cloned animal or its progeny to disclose to the buyer or transferee that the animal is cloned or is the progeny of a cloned animal, as specified. It would also require food for human consumption that contains any product from a cloned animal or its progeny to be labeled to indicate that the food includes the product of a cloned animal or its progeny, as specified. By creating a new 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: yes.
State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares its intent to
2 enable consumers in the state to make knowledgeable decisions
3 about food consumption based upon the disclosure of information
4 regarding the makeup of the food.

5 SEC. 2. Article 6.8 (commencing with Section 110809) is
6 added to Chapter 5 of Part 5 of Division 104 of the Health and
7 Safety Code, to read:

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9 Article 6.8. Food Labeling Pertaining to Cloned Animals

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11 110809. (a) Every livestock producer who sells or transfers
12 any cloned animal or its progeny shall disclose to the buyer or
13 transferee that the animal is cloned or is the progeny of a cloned
14 animal.

15 (b) Every person who manufactures or processes food for human
16 consumption that sells food that contains any product from a cloned
17 animal or its progeny shall label the food to indicate that the food
18 includes the product of a cloned animal or its progeny.

19 (c) An importer of food products from out-of-state manufacturers
20 or processors of food for human consumption that contains any
21 product from a cloned animal or its progeny shall label the food
22 to indicate that the food includes the product of a cloned animal
23 or its progeny if the importer has reasonable knowledge that the
24 food has this product.

25 (d) Any person who purchases or otherwise obtains any food
26 for human consumption that is labeled so as to disclose that the
27 food contains a product from a cloned animal or its progeny and
28 resells this food to another person shall ensure that the food is
29 labeled to disclose that the food contains a product from a cloned
30 animal or its progeny prior to sale.

31 (e) The information on the label required pursuant to this section
32 shall be displayed in a conspicuous and easily legible boldface
33 print or type that is in clear contrast to other matter on the package.
34 The label shall comply with the type size specifications in Section
35 101.105(i) of Title 21 of the Code of Federal Regulations.

36 (f) For purposes of this section, the following definitions shall
37 apply:

1 (1) “Cloned animal” means an animal that arises directly from
2 a somatic cell nuclear transfer event.

3 (2) “Livestock producer” means a person who engages in the
4 business of animal production, which includes, but is not limited
5 to, the birth, raising, feeding, weaning, and identification of a live
6 animal, and who generally does not engage in the business of
7 preparing any animal food that is derived in whole or in part from
8 an animal carcass or its products.

9 (3) “Progeny of a cloned animal” means an animal derived from
10 the sexual reproduction of a cloned animal with another cloned
11 animal or an animal that is not cloned.

12 (4) “Reasonable knowledge” means the importer knows about
13 or has possession of any document or advertisement in any medium
14 that indicates that the product was derived from a cloned animal
15 or its progeny.

16 SEC. 3. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.