

By: Burnam

H.B. No. 3387

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of food crops for the genetic engineering of drugs, industrial chemicals and other non-food materials.

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

SECTION 1. Title 8. Agriculture Code, is amended by adding Chapter 253 to read as follows:

CHAPTER 253. GENETIC ENGINEERING OF NON-FOOD MATERIALS IN FOOD CROPS

Sec. 253.001. DEFINITIONS. In this Chapter:

(a) "Animal Feed" means: an article intended for used as a food for animals other than humans as a source of nutrients in the diet of the animal. The term is not limited to a mixture intended to be the sole ration of the animal.

(b) "Food" means:

(1) articles used for food or drink for humans;

(2) chewing gum; and,

(3) articles used for components of any such article.

(c) "Genetic Engineering" means the artificial insertion of foreign genetic material into an organism.

Sec. 253.002. Prohibited Acts. The following acts and the causing of the following acts within this state are unlawful and prohibited:

(a) The genetic engineering of drugs, industrial chemicals

1 or other non-food materials into crops or livestock normally used
2 as food or animal feed.

3 (b) The production, transport or release in the state of
4 Texas of food or animal feed crops or livestock genetically
5 engineered to contain or produce drugs, industrial chemicals or
6 other non-food materials.

7 SECTION 2. Title 6, chapter 431, Health and Safety Code is
8 amended as follows:

9 Sec. 431.081. ADULTERATED FOOD. A food shall be deemed to
10 be adulterated:

11 (a) if:

12 (1) it bears or contains any poisonous or deleterious
13 substance, other than one that is a pesticide chemical in or on a
14 raw agricultural commodity, a food additive, a color additive, or a
15 new animal drug which is unsafe within the meaning of Section
16 431.161; or

17 (2) it:

18 (A) bears or contains any added poisonous or
19 added deleterious substance, other than one that is a pesticide
20 chemical in or on a raw agricultural commodity, a food additive, a
21 color additive, or a new animal drug which is unsafe within the
22 meaning of Section 431.161; or

23 (B) is a raw agricultural commodity and it bears
24 or contains a pesticide chemical which is unsafe within the meaning
25 of Section 431.161(a);

26 (C) is, or it bears or contains, any food
27 additive which is unsafe within the meaning of Section 431.161(a);

1 provided, that where a pesticide chemical has been used in or on a
2 raw agricultural commodity in conformity with an exemption granted
3 or a tolerance prescribed under Section 431.161(a), and such raw
4 agricultural commodity has been subjected to processing such as
5 canning, cooking, freezing, dehydrating, or milling, the residue of
6 such pesticide chemical remaining in or on such processed food
7 shall, notwithstanding the provisions of Section 431.161 and
8 Section 409 of the federal Act, not be deemed unsafe if such residue
9 in or on the raw agricultural commodity has been removed to the
10 extent possible in good manufacturing practice, and the
11 concentration of such residue in the processed food, when ready to
12 eat, is not greater than the tolerance prescribed for the raw
13 agricultural commodity; [~~or~~]

14 (D) is, or it bears or contains, a new animal
15 drug, or a conversion product of a new animal drug, that is unsafe
16 under Section 512 of the federal Act;

17 (E) is, or bears or contains material that is
18 genetically engineered to produce drugs, industrial chemicals or
19 other non-food material;

20 (3) it consists in whole or in part of a diseased,
21 contaminated, filthy, putrid, or decomposed substance, or if it is
22 otherwise unfit for foods; or

23 (4) it has been produced, prepared, packed or held
24 under unsanitary conditions whereby it may have become contaminated
25 with filth, or whereby it may have been rendered diseased,
26 unwholesome, or injurious to health; or

27 (5) it is, in whole or in part, the product of a

1 diseased animal, an animal which has died otherwise than by
2 slaughter, or an animal that has been fed upon the uncooked offal
3 from a slaughterhouse; or

4 (6) its container is composed, in whole or in part, of
5 any poisonous or deleterious substance which may render the
6 contents injurious to health; or

7 (7) it has been intentionally subjected to radiation,
8 unless the use of the radiation was in conformity with a regulation
9 or exemption in effect in accordance with Section 409 of the federal
10 Act;

11 (b) if:

12 (1) any valuable constituent has been in whole or in
13 part omitted or abstracted therefrom; or

14 (2) any substance has been substituted wholly or in
15 part therefor; or

16 (3) damage or inferiority has been concealed in any
17 manner; or

18 (4) any substance has been added thereto or mixed or
19 packed therewith so as to increase its bulk or weight, or reduce its
20 quality or strength or make it appear better or of greater value
21 than it is; or

22 (5) it contains saccharin, dulcin, glucin, or other
23 sugar substitutes except in dietary foods, and when so used shall be
24 declared; or

25 (6) it be fresh meat and it contains any chemical
26 substance containing sulphites, sulphur dioxide, or any other
27 chemical preservative which is not approved by the United States

1 Department of Agriculture, the Animal Plant Health Inspection
2 Service (A.P.H.I.S.) or by rules of the board;

3 (c) if it is, or it bears or contains, a color additive that
4 is unsafe under Section 431.161(a); or

5 (d) if it is confectionery and:

6 (1) has any nonnutritive object partially or
7 completely imbedded in it; provided, that this subdivision does not
8 apply if, in accordance with rules of the board, the object is of
9 practical, functional value to the confectionery product and would
10 not render the product injurious or hazardous to health;

11 (2) bears or contains any alcohol, other than alcohol
12 not in excess of five percent by volume. Any confectionery that
13 bears or contains any alcohol in excess of one-half of one percent
14 by volume derived solely from the use of flavoring extracts and less
15 than five percent by volume:

16 (A) may not be sold to persons under the legal age
17 necessary to consume an alcoholic beverage in this state;

18 (B) must be labeled with a conspicuous, readily
19 legible statement that reads, "Sale of this product to a person
20 under the legal age necessary to consume an alcoholic beverage is
21 prohibited";

22 (C) may not be sold in a form containing liquid
23 alcohol such that it is capable of use for beverage purposes as that
24 term is used in the Alcoholic Beverage Code;

25 (D) may not be sold through a vending machine;

26 (E) must be labeled with a conspicuous, readily
27 legible statement that the product contains not more than five

1 percent alcohol by volume; and

2 (F) may not be sold in a business establishment
3 which derives less than 50 percent of its gross sales from the sale
4 of confectioneries; or

5 (3) bears or contains any nonnutritive substance;
6 provided, that this subdivision does not apply to a nonnutritive
7 substance that is in or on the confectionery by reason of its use
8 for a practical, functional purpose in the manufacture, packaging,
9 or storage of the confectionery if the use of the substance does not
10 promote deception of the consumer or otherwise result in
11 adulteration or misbranding in violation of this chapter; and
12 provided further, that the board may for the purpose of avoiding or
13 resolving uncertainty as to the application of this subdivision,
14 adopt rules allowing or prohibiting the use of particular
15 nonnutritive substances.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2003.