

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

SECRETARY OF STATE

2014 FEB 12 A 10:05

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

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The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

The Genetically Modified Food labeling act is an initiative to mandate the labeling of foods that are either Genetically Engineered or made with Genetically Engineered ingredients. The labeling must be done in a way that a regular consumer can see and read clearly. Consumers currently have the right to know what ingredients are in their food so those with allergies can avoid certain ingredients. This initiative gives Arizona citizens the ability to avoid Genetically Engineered ingredients if they choose.

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Date of Application February 12, 2014
Signatures Required 172,809
Deadline for Filing July 3, 2014 @ 5pm
Serial Number Issued I - 06 - 2014
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OFFICIAL TITLE
AN INITIATIVE MEASURE

AMENDING TITLE 36, CHAPTER 8, SECTIONS 36-901, 36-906. 36-973 ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6;

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TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the state of Arizona:

Section 1. Title.

This act may be cited as the "Genetically Modified Food labeling act"

Sec. 2. Findings.

The People of the State of Arizona find and declare the following:

- A. Labeling of genetically modified food is intended to provide Arizona consumers with their opportunity to make informed choices about the foods they consume.
- B. People with certain religious, cultural and moral beliefs object to consuming genetically modified foods because of objections to the tampering with the genetic makeup of life forms and the rapid introduction and proliferation of genetically engineered organisms.
- C. U.S. federal law does not currently provide for the regulation of the safety and labeling of genetically modified foods.
- D. The long term health, safety and environmental consequences of growing and consuming genetically modified foods and animals which have been fed genetically modified foods have not been adequately tested using independent researchers and laboratories to assure the safety of people consuming genetically modified foods.
- E. Consumers in 64 countries including the European Union, Japan, Australia, Russia, Malaysia, South Korea and China have the right to know if their food contains genetically modified organisms. This initiative extends the same rights to the citizens of Arizona.
- F. When polled, consumers overwhelmingly favor knowing whether the food they consume is produced with genetic engineering. This initiative brings Arizona statutes into agreement with the desires of the people of Arizona.
- G. The FDA currently regulates the labeling of food in CFR Title 21 with many requirements for both nutrients and potential toxic substances. This initiative only adds one more item to the already existing labeling requirements and shouldn't create any significant burden on food producers and manufacturers.

Sec. 3. section 36-901, Arizona Revised Statutes, is amended to read 36-901. Definitions

In this article CHAPTER, unless the context otherwise requires:

1. "Advertisement" means all representations disseminated in any manner or by any means other than by labeling for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food.
2. "Color additive" means a material that both:
 - (a) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity from a vegetable, animal, mineral, or other source.
 - (b) When added or applied to a food is capable, alone or through reaction with other substance, of imparting color to that food, except that color additive does not include any material that has been exempted under the federal act. The term "color" includes, but is not limited to, black, white and intermediate grays. This paragraph shall not be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding or otherwise affecting, directly or indirectly, the growth or other natural physiological process of produce of the soil, and thereby affecting its color, whether before or after harvest.
3. "Contaminated with filth" applies to any food not securely protected from dust, from dirt, and, as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.
4. "Director" means the director of the department of health services.
5. "Federal act" means the federal food, drug and cosmetic act, as amended (21 United States Code section 301 et seq.).
6. "Food" or "article" means:

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- (a) Articles used for food or drink for man or animals.
- (b) Chewing gum.
- (c) Articles used for components of any such article.

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7. "Food additive" means any substance, the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component of or otherwise affecting the characteristics of any food, including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food, and including any source of radiation intended for any use if the substance is not generally recognized among experts qualified by scientific training and experience to evaluate its safety as having been adequately shown through scientific procedures, or in the case of a substance used in a food prior to January 1, 1958 through either scientific procedures or experience based on common use in food, to be safe under the conditions of its intended use. Food additive does not include:

- (a) A pesticide chemical in or on a raw agricultural commodity.
- (b) A pesticide chemical to the extent that it is intended for use or is used in the production, storage or transportation of any raw agricultural commodity.
- (c) A color additive.
- (d) Any substance used in accordance with a sanction or approval granted pursuant to laws or regulations administered by the federal food and drug administration.

8. "Immediate container" does not include package liners.

9. "Label" or "labeling" means a display of written, printed or graphic matter upon the immediate container or wrapper of an article or accompanying that article.

10. "Perishable food" means any food that may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition, including fresh and processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits and vegetables and foods that have been packaged, refrigerated or frozen.

11. "Pesticide chemical" means any substance that alone, in chemical combination or in formulation with one or more other substances is an "economic poison" within the meaning of the federal insecticide, fungicide and rodenticide act (7 United States Code sections 135-135k) and that is used in the production, storage or transportation of raw agricultural commodities.

12. "Prepared food" means any food commercially processed and prepared for human consumption.

13. "Raw agricultural commodity" means any food in its raw or natural state, including, but not limited to, all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.

14. "Special inspection warrant" means an order in writing issued in the name of the state of Arizona, signed by a magistrate and directed to the director or his designee, authorizing him to enter into or upon any public or private property to make an inspection authorized by law.

15. "GENETICALLY MODIFIED FOOD" HAS THE SAME MEANING AS "GMO FOOD" OR "GENETICALLY ENGINEERED FOOD", AND INCLUDES ANY FOOD OR COMPONENT OF FOOD THAT HAS HAD THE INTENTIONAL INTRODUCTION OF GENE(S) FROM ANOTHER SPECIES INTO IT OR ITS ANCESTORS, OR ANY FOOD WHICH HAS BEEN GROWN FROM SEEDS OR THE SEEDS' ANCESTORS THAT HAVE BEEN INTENTIONALLY EXPOSED TO EITHER IONIZING RADIATION OR MUTAGENIC CHEMICALS IN ORDER TO INCREASE THE RATE OF MUTATION.

16. "ENZYME" MEANS A PROTEIN THAT CATALYZES CHEMICAL REACTIONS OF OTHER SUBSTANCES WITHOUT BEING DESTROYED OR ALTERED UPON COMPLETION OF SUCH REACTIONS.

17. "PROCESSING AID" MEANS:

- (a) A SUBSTANCE THAT IS ADDED TO A FOOD DURING THE PROCESSING OF THE FOOD BUT IS COMPLETELY REMOVED IN SOME MANNER FROM THE FOOD BEFORE IT IS PACKAGED IN ITS FINAL FORM; OR
- (b) A SUBSTANCE THAT IS ADDED TO A FOOD DURING PROCESSING, IS CONVERTED INTO CONSTITUENTS NORMALLY PRESENT IN THE FOOD, AND DOES NOT SIGNIFICANTLY INCREASE THE AMOUNT OF THE CONSTITUENTS FOUND IN THE FOOD; OR
- (c) A SUBSTANCE THAT IS ADDED TO A FOOD FOR ITS TECHNICAL OR FUNCTIONAL EFFECTS IN THE PROCESSING BUT IS PRESENT IN THE FINISHED FOOD AT INSIGNIFICANT LEVELS AND DOES NOT HAVE ANY TECHNICAL OR FUNCTIONAL EFFECT IN THAT FINISHED FOOD.

Sec. 4, section 36-906, Arizona Revised Statutes, is amended to read 36-906. Food misbranding

A food is misbranded if one or more of the following conditions exists:

1. Its labeling is false or misleading.

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2. It is offered for sale under the name of another food with or without other descriptive words, or under any name which is likely to be misleading.
3. Its container is so made, formed or filled as to be misleading.
4. It is in package form unless it bears a label containing:
 - (a) The name and place of business of the manufacturer, packer or distributor.
 - (b) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count, except that reasonable variations may be permitted and exemptions as to small packages may be established by regulations prescribed by the director.
5. Any word, statement or other information required by or under authority of this article CHAPTER to appear on the label does not appear in the labeling prominently and conspicuously as compared with other words, statements, designs or devices and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
6. Any word, statement or other information required by or under authority of this article CHAPTER to appear on the label does not also appear on the outside container or wrapper, if any, of the retail package of the food, or is not easily legible through the outside container or wrapper.
7. It purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 36-903, unless:
 - (a) It conforms to such definition and standard, and
 - (b) Its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients present in such food, other than spices, flavoring and coloring.
8. It purports to be or is represented as:
 - (a) A food for which a standard of quality has been prescribed by regulations as provided by section 36-903 and its quality falls below such standard, unless its label bears in such manner and form as such regulations specify a statement that it falls below such standard, or
 - (b) A food for which a standard of fill of container has been prescribed by regulations as provided by section 36-903 and it falls below the applicable standard of fill, unless its label bears in such manner and form as such regulations specify a statement that it falls below such standard.
9. It is a food not subject to the provisions of paragraph 7 of this section, unless it bears labeling clearly stating:
 - (a) The common or usual name of the food, if any, and
 - (b) If made from two or more ingredients, the common or usual name of each ingredient; Except that spices, flavorings and colorings, other than those sold as such, may be designated as spices, flavorings and colorings without naming each, provided that to the extent compliance with the requirements of subdivision (b) of this paragraph is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the director, and that the requirements of subdivision (b) of this paragraph shall not apply to food products which are packaged at the direction of purchasers at retail at the time of sale, the ingredients of which are disclosed to the purchasers by other means in accordance with regulations promulgated by the director.
10. It purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral and other dietary properties as the director prescribes by regulation as necessary to fully inform purchasers as to its value for such uses.
11. It bears or contains any artificial flavoring, artificial coloring or chemical preservative unless it bears labeling stating that fact, provided that to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the director.
12. It is intended as an ingredient of another food and when used according to directions will result in the final food product being adulterated or misbranded.
13. It is a color additive unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to such color additive prescribed under the provisions of the federal act.
14. It contains vegetable fat or oil unless its label prominently and conspicuously specifies such vegetable fat or oil by common name and the percentage such fat or oil constitutes of the whole food product. If a vegetable fat blend is used the label shall state the percentage the fat blend represents of the whole food product, followed by the words "vegetable fat consisting of a blend of" and a listing of each vegetable fat or oil by its common name.

Sec. 5. section 36-973, Arizona Revised Statutes, is amended to read
36-973. Labeling: exception

A. Bulk food product modules shall be conspicuously labeled with the common name of the product, a list of ingredients in order of predominance and a declaration of artificial color or flavor and any chemical preservatives contained in the product.

B. This section does not apply to bulk food manufactured on the premises or manufactured by the seller.

C. BEGINNING JANUARY 1, 2016, ALL BULK FOOD PRODUCT MODULES WHICH CONTAIN GENETICALLY MODIFIED FOOD OR INGREDIENTS CONSISTING OF OR MADE FROM GENETICALLY MODIFIED FOODS SHALL BE LABELED IN A CLEAR AND CONSPICUOUS MANNER WITH THE WORDS "CONTAINS GENETICALLY MODIFIED INGREDIENTS".

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Sec. 6. Title 36, Arizona Revised Statutes, is amended by adding Chapter 8 Article 6 to read:

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ARTICLE 6. GENETICALLY MODIFIED FOODS

36-1001. Labeling of Genetically Modified Foods

BEGINNING JANUARY 1, 2016, ALL FOODS WHICH CONTAIN GENETICALLY MODIFIED FOOD OR INGREDIENTS CONSISTING OF OR MADE FROM GENETICALLY MODIFIED FOODS SHALL BE LABELED IN A CLEAR AND CONSPICUOUS MANNER WITH THE WORDS "CONTAINS GENETICALLY MODIFIED INGREDIENTS".

THIS SECTION DOES NOT APPLY TO:

1. CHEWING GUM;
2. ALCOHOLIC BEVERAGES;
3. ANY PROCESSED FOOD SOLELY BECAUSE ONE OR MORE PROCESSING AIDS OR ENZYMES USED FOR PRODUCTION OF THE FOOD WERE PRODUCED OR DERIVED WITH GENETIC ENGINEERING;
4. ANY FOOD WHICH IS NOT PACKAGED FOR RETAIL SALE AND THAT EITHER:
 - (a). IS A PROCESSED FOOD PREPARED AND INTENDED FOR IMMEDIATE HUMAN CONSUMPTION; OR
 - (b). IS SERVED, SOLD, OR OTHERWISE PROVIDED IN ANY RESTAURANT OR OTHER FOOD ESTABLISHMENT THAT IS PRIMARILY ENGAGED IN THE SALE OF FOOD PREPARED AND INTENDED FOR IMMEDIATE HUMAN CONSUMPTION; OR
5. FOOD CONSISTING OF, OR DERIVED FROM, AN ANIMAL THAT HAS NOT ITSELF BEEN GENETICALLY ENGINEERED, REGARDLESS OF WHETHER THE ANIMAL HAS BEEN FED OR INJECTED WITH ANY FOOD PRODUCED WITH GENETIC ENGINEERING OR ANY DRUG THAT HAS BEEN PRODUCED THROUGH MEANS OF GENETIC ENGINEERING.

36-1002. Labeling of animal products fed with genetically modified foods

BEGINNING JANUARY 1, 2016, ANY FOOD CONSISTING PRIMARILY OF, OR DERIVED PRIMARILY FROM, AN ANIMAL THAT HAS BEEN FED GMO FOOD SHALL HAVE A SHELF, DISPLAY, BIN OR PACKAGE LABEL CLEARLY ASSOCIATED WITH THE FOOD WHICH SHALL HAVE THE WORDS "FED WITH GENETICALLY MODIFIED FOOD" IN A TYPE SIZE AND FONT WHICH A REASONABLE PERSON CAN EASILY READ. THE INTENT OF THIS SECTION IS TO CLEARLY INFORM CONSUMERS WHEN A MEAT PRODUCT HAS BEEN PRODUCED WITH GMO FOOD.

36-1003. Labeling of animal products created with genetic engineering

BEGINNING JANUARY 1, 2016, ANY FOOD CONSISTING PRIMARILY OF, OR DERIVED PRIMARILY FROM, AN ANIMAL WHICH IS GENETICALLY MODIFIED FOOD SHALL HAVE A SHELF, DISPLAY, BIN OR PACKAGE LABEL CLEARLY ASSOCIATED WITH THE FOOD WHICH SHALL HAVE THE WORDS "CONTAINS GENETICALLY MODIFIED INGREDIENTS" IN A TYPE SIZE AND FONT WHICH A REASONABLE PERSON CAN EASILY READ. THE INTENT OF THIS SECTION IS TO CLEARLY INFORM CONSUMERS WHEN A MEAT PRODUCT HAS BEEN GENETICALLY ENGINEERED.