HOUSE BILL 2143

_____

State of Washington   **63rd Legislature**   **2014 Regular Session**

By Representatives Condotta, Pollet, and Van De Wege

Prefiled 01/06/14. Read first time 01/13/14. Referred to Committee on Agriculture & Natural Resources.

1   AN ACT Relating to genetically engineered finfish; amending RCW
2   77.125.020, 69.04.932, and 69.04.934; adding a new section to chapter
3   77.125 RCW; creating a new section; and prescribing penalties.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5   NEW SECTION. **Sec. 1.** (1) The legislature finds that nature has
6   provided little to the people of the Pacific Northwest with a greater
7   cultural, ecological, and economic value as the native runs of wild
8   salmon that nurse in our local waters and, after an unimaginable
9   journey, return home to repeat the ageless cycle. Although the natural
10   rhythm of the salmonid pulses without human intervention, choices made
11   by the residents of Washington can have a dramatic effect on the
12   continuance of the very species that has served as a cornerstone of
13   northwest culture for countless generations.
14   (2) The legislature further finds that the value of salmon exceeds
15   culture, economy, and even the environment. Salmon, as a food source,
16   represent a very need of human existence. So much so that an important
17   and well-intended industry has taken to Washington waters and harnessed
18   its clean, cool properties to raise salmon and other finfish in net
19   pens.

1   (3) The legislature further finds that, although great investments
2 continue to be made in net pen technology to avoid escapes, the use of
3 genetically modified finfish in net pens create an unacceptable risk to
4 the native salmon of the Pacific Northwest; genetics that are developed
5 specifically and irreplaceably for each individual run of salmon.

6   **Sec. 2.** RCW 77.125.020 and 2001 c 86 s 2 are each amended to read
7 as follows:
8   ((For the purposes of this chapter,)) The definitions in this
9 section apply throughout this chapter unless the context clearly
10 requires otherwise.
11   (1) "Genetically engineered" means any organism or organisms in
12 which the genetic material of the organism or organisms has been
13 changed through the application of in vitro nucleic acid techniques or
14 the direct injection of nucleic acid into cells or organelles of the
15 organism or organisms.
16   (2) "Marine aquatic farming location" means a complete complex that
17 may be composed of various marine enclosures, net pens, or other
18 rearing vessels, food handling facilities, or other facilities related
19 to the rearing of Atlantic salmon or other finfish in marine waters.
20 A marine aquatic farming location is distinguished from the individual
21 facilities that collectively compose the location.

22   NEW SECTION. **Sec. 3.** A new section is added to chapter 77.125 RCW
23 to read as follows:
24   (1) No person may produce genetically engineered finfish in state
25 waters.
26   (2) A violation of this section is a gross misdemeanor. Each
27 instance of a genetically engineered salmonid being produced is an
28 individual violation of this section.

29   **Sec. 4.** RCW 69.04.932 and 2013 c 290 s 3 are each amended to read
30 as follows:
31   The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.
33   (1) "Commercially caught" means wild or hatchery-raised salmon
34 harvested in the wild by commercial fishers. The term does not apply
35 to farmed fish raised exclusively by private sector aquaculture.

(2) "Food fish" means fresh or saltwater finfish and other forms of aquatic animal life other than crustaceans, mollusks, birds, and mammals where the animal life is intended for human consumption.

(3) "Genetically engineered" has the same meaning as defined in RCW 77.125.020.

(4) "Salmon" means all species of the genus Oncorhynchus, except those classified as game fish in RCW 77.08.020, and includes:

SCIENTIFIC NAME	COMMON NAME
Oncorhynchus tshawytscha	Chinook salmon or king salmon
Oncorhynchus kisutch	Coho salmon or silver salmon
Oncorhynchus keta	Chum or "keta" salmon
Oncorhynchus gorbuscha	Pink salmon
Oncorhynchus nerka	Sockeye or "red" salmon
Salmo salar (in other than	Atlantic salmon
its landlocked form)	

((~~(4)~~)) (5) "Shellfish" means crustaceans and all mollusks where the animal life is intended for human consumption.

Sec. 5. RCW 69.04.934 and 2013 c 290 s 5 are each amended to read as follows:

(1) It is unlawful to knowingly sell or offer for sale at wholesale or retail any fresh, frozen, or processed salmon without identifying:

(a) Private sector cultured aquatic salmon or salmon products as farm-raised salmon((~~, or identifying~~));

(b) Commercially caught salmon or salmon products as commercially caught salmon; or

(c) Genetically engineered salmon or salmon products as being genetically engineered.

(2) Identification of the products under subsection (1) of this section must be made to the buyer at the point of sale such that the buyer can make an informed purchasing decision for his or her protection, health, and safety.

(3) A violation of this section constitutes misbranding under RCW 69.04.938 and is punishable as a misdemeanor, gross misdemeanor, or felony depending on the fair market value of the fish or shellfish involved in the violation.

1   (4) Subsection (1)(a) and (b) of this section does not apply to
2   salmon that is minced, pulverized, coated with batter, or breaded.
3   (5) This section does not apply to a commercial fisher properly
4   licensed under chapter 77.65 RCW and lawfully engaged in the sale of
5   fish to a fish buyer.
6   (6) Nothing in this section precludes using additional descriptive
7   language or trade names to describe food fish or shellfish as long as
8   the labeling requirements of this section are met.

--- END ---