S-3823.1

SENATE BILL 6343

State of Washington 63rd Legislature 2014 Regular Session

By Senators Chase, Ranker, and Kline

Read first time 01/22/14. Referred to Committee on Natural Resources & Parks.

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

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that nature provides an extraordinary gift of wild fish to the people, ecosystems, and native species of the Pacific Northwest, creating significant economic, cultural, and ecological value. Wild salmon have flourished for thousands of years along the west coast, developing unique characteristics ensuring their survival in a variety of river, coastal, and ocean conditions. Historically, salmon have been the most important food source for tribal communities. Salmon are considered an icon of our region, celebrated in art, storytelling, culinary traditions, and are an essential component of the economic engine of our maritime industry. Tribal, commercial, and recreational harvests of salmon, along with the production of salmon in captivity, have defined our region in the minds and imaginations of people around the world, providing a fine food for their dinner plates.

(2) Human activities that pose a risk to our region's native species need to be assessed and protections put into place. In 2002, the Washington state fish and wildlife commission, concerned that the United States food and drug administration might approve genetically engineered salmon, adopted rules banning production of genetically engineered fish in state waters. Additional legislation is now needed to label fish that are created by combining DNA from unrelated species to create "novel" life forms that could not occur naturally. Inadequate health evaluations by the United States food and drug administration (such as tests on allergenicity based on only six fish) require that consumers be advised with appropriate labeling that they may be purchasing genetically engineered fish.

Sec. 2. RCW 77.125.020 and 2001 c 86 s 2 are each amended to read as follows:

((~~For the purposes of this chapter,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Genetically engineered" means any food that is produced from an organism or organisms in which the genetic material has been changed through the application of: (i) In vitro nucleic acid techniques including recombinant deoxyribonucleic acid techniques and the direct injection of nucleic acid into cells or organelles. In vitro nucleic acid techniques include, but are not limited to, recombinant deoxyribonucleic acid or ribonucleic acid techniques that use vector systems and techniques involving the direct introduction into the organisms of hereditary material prepared outside the organisms, such as microinjection, macroinjection, chemoporation, electroporation, microencapsulation, and liposome fusion; or (ii) fusion of cells, including protoplast fusion, or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic family, in a way that does not occur by natural multiplication or natural recombination.

(b) For the purposes of (a) of this subsection, "organism" means any biological entity capable of replication, reproduction, or transferring genetic material.

(2) "Fin fish" means any fish having fins that is consumed by humans, including salmon as defined in RCW 69.04.932.

(3) "Marine aquatic farming location" means a complete complex that may be composed of various marine enclosures, net pens, or other rearing vessels, food handling facilities, or other facilities related to the rearing of Atlantic salmon or other fin fish in marine waters. A marine aquatic farming location is distinguished from the individual facilities that collectively compose the location.

NEW SECTION. **Sec. 3.** A new section is added to chapter 77.125 RCW to read as follows:

(1) No person may produce genetically engineered fin fish in state waters.

(2) A violation of this section is a gross misdemeanor. Each instance of a genetically engineered fin fish being produced is an individual violation of this section.

Sec. 4. RCW 69.04.932 and 2013 c 290 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercially caught" means wild or hatchery-raised salmon harvested in the wild by commercial fishers. The term does not apply to farmed fish raised exclusively by private sector aquaculture.

(2) "Food fish" means fresh or saltwater fin fish 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 its landlocked form)	Atlantic salmon

((~~(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.

(4) Subsection (1)(a) and (b) of this section does not apply to salmon that is minced, pulverized, coated with batter, or breaded.

(5) This section does not apply to a commercial fisher properly licensed under chapter 77.65 RCW and lawfully engaged in the sale of fish to a fish buyer.

(6) Nothing in this section precludes using additional descriptive language or trade names to describe food fish or shellfish as long as the labeling requirements of this section are met.

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