

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 664 (Delegate Boteler, *et al.*)
Health and Government Operations

Public Health - Food Containing a Product of Cloned Animals - Labeling

This bill requires a person who manufactures, processes, or prepares food intended for human consumption in Maryland that contains any product from a cloned animal or progeny of a cloned animal to state that the food contains product from a cloned animal or the progeny of a cloned animal. The statement must be made on the label, packaging on the food, or by a sign if the food is not packaged.

Fiscal Summary

State Effect: In the absence of federal requirements regarding the labeling of cloned animals, the fiscal impact of enforcing a labeling requirement to this effect cannot be reliably estimated at this time.

Local Effect: In the absence of federal requirements regarding the labeling of cloned animals, the fiscal impact on local health departments for enforcing a labeling requirement to this effect cannot be reliably estimated at this time.

Small Business Effect: Meaningful. Absent federal requirements, small businesses will have difficulty complying with the bill.

Analysis

Bill Summary: “Cloned animal” means an animal that is created from a somatic cell nuclear transfer event. “Progeny of a cloned animal” means an animal derived from the sexual reproduction of a cloned animal with another cloned animal or an animal that is not cloned.

The lettering of the statement has to be at least the same size as the lettering on the label, packaging, or sign that indicates whether the food is “fresh” or “frozen” or be conspicuous and easily legible to consumers.

Any person who sells or offers for sale a food that contains cloned food products has to maintain a record, including specified information, of each purchase from a producer, distributor, manufacturer, processor, or packer. The record has to be kept for two years after the food is sold and has to be available to the Department of Health and Mental Hygiene upon request.

Current Law: Maryland law does not specifically address animal cloning for human consumption.

Background: An animal clone is a genetic copy of a donor animal. Cloning is often confused with genetic engineering but is not the same since cloned animals contain only their own species’ traditional genetic material. While genetic engineering involves changing the gene sequence, cloning is used to introduce desirable traits into herds faster than would be possible using conventional breeding.

In 2001, in response to concerns about the safety of meat and milk from clones, U.S. producers agreed to refrain from introducing meat or milk from clones or their progeny into the food supply until the U.S. Food and Drug Administration (FDA) could evaluate the issue. In January 2008, FDA finalized its study and concluded that meat and milk from clones of cattle, swine, and goats, and the offspring of clones from any species traditionally consumed as food are as safe for human consumption as food from conventionally bred animals. However, because insufficient information was available on clones from other species (sheep for example), FDA recommended that food products from other cloned species continue to be excluded from the human food supply.

FDA issued guidance for clone producers, livestock breeders, and farmers and ranchers purchasing clones that addresses the use of food products derived from clones and their offspring. FDA did not recommend any special measures relating to the use of products from cloned cattle, swine, or goats, and did *not* require any specific labeling because “food derived from these sources is no different from food derived from conventionally bred animals.” FDA advised that, if a producer wants to label a product voluntarily, FDA will consider the labels on a case-by-case basis to ensure compliance with statutory requirements that labeling be truthful and not misleading.

State/Local/Small Business Fiscal Effect: In the absence of federal requirements that meat or milk from cloned based herds be separated from noncloned herds and be labeled as either cloned or noncloned, a slaughtering facility would almost certainly not be able to detect cloned animals or their progeny. In turn, slaughterhouses would not be able to

provide this information to manufacturers, processors, or packers of food that would have to meet labeling requirements under the bill. Since manufacturers, processors, or packers of food may not know whether meat or milk comes from a cloned animal or progeny of a cloned animal, Legislative Services advises that the fiscal impact of enforcing a labeling requirement to this effect cannot be reliably estimated at this time. Since local health departments are responsible for inspecting food labels, it is unclear how local health departments would conduct enforcement. In addition, small food processors or dairy farms would have difficulty complying with the bill's labeling requirements.

Additional Information

Prior Introductions: This bill is a reintroduction of HB 1499 of the 2008 session. HB 1499 received an unfavorable report from the House Health and Government Operations Committee.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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