



**National Conference of State Legislatures
Office of State-Federal Relations**

**Senate Approves Mandatory GMO Labeling Bill; Preempts State
Authority**

July 7, 2016

On Thursday, July 7, the Senate approved [S. 764](#) by a vote of 63-30, which would require mandatory labeling of certain bioengineered products while also preempting any existing or future state labeling requirements. The bill is the result of months of negotiations between Senate Agriculture Chairman Pat Roberts (R-Kansas) and Ranking Member Debbie Stabenow (D-Mich.), following the failure earlier this spring of Sen Roberts's [bill](#) that included a voluntary labeling system.

Specifically, [S. 764](#) provides a number of methods to comply with the mandatory labeling requirement, including on package labeling, a symbol indicating the presence of GMOs or a type of electronic signature, such as QR code, that would link to the required information. However, the bill tasks the United States Department of Agriculture (USDA) with developing the formal rule for mandatory labeling within two years of the bill's enactment that would include what exact type of products would have to comply. The bill does note that the mandatory requirement would not apply to animal products in which the animal was fed bioengineered products. USDA is also charged in its rulemaking with determining at what level the requirement would come into effect for those food products that include some animal products.

The bill now moves to the House of Representatives. In 2015, the House passed the [Safe and Accurate Food Labelling Act of 2015](#) which would provide the Commissioner of the Food and Drug Administration (FDA) the discretionary power to require genetically engineered food to be labeled as such if they determine the genetically engineered food was materially different from non-modified food and the labeling was necessary to protect public health and welfare. This House bill also contained a pre-emption clause that stated that any future or past state law on the subject would be invalid if it is not identical to the federal law.

It remains unclear if and how the House will take up the Senate bill or look to go to conference in order to reconcile the two bills.

For more information on state GMO legislation, including the recently implemented labeling requirement in Vermont, visit the [NCSL State Legislation Address Genetically Modified Organism](#).

For any further questions or concerns on the bill please contact NCSL staff [Ben Husch](#) (202-624-7779) or [Kristen Hildreth](#) (202-624-7779).