
A BILL FOR AN ACT

RELATING TO GENETICALLY MODIFIED ORGANISMS.

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

1 SECTION 1. Section 321-11.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+]~~§321-11.6~~[+]~~ **Genetically modified organisms**~~[-]~~;
4 notification and certification. (a) Any person that proposes
5 to research, test, propagate, cultivate, grow, or produce any
6 genetically modified organism shall:

7 (1) Notify the department of health of the person's intent
8 to conduct the activity; and

9 (2) Obtain certification of approval from the department
10 prior to conducting the activity.

11 (b) The department shall examine and evaluate each
12 proposed genetically modified organism research project;
13 testing, propagating, cultivating, or growing technique; or
14 product for its risk to public health and to the environment.

15 The department shall issue a certification of approval after
16 determining that the proposed genetically modified organism
17 research, testing, propagating, cultivating, growing, or product



1 does not pose a risk to public health or the environment. The
2 certification of approval shall include information on:

- 3 (1) The person or company proposing to conduct the
4 genetically modified organism-related activity;
5 (2) The purpose of the genetically modified organism-
6 related activity;
7 (3) What organism will be researched, tested, cultivated,
8 propagated, grown, or produced;
9 (4) How many organisms will be researched, tested,
10 cultivated, propagated, grown, or produced;
11 (5) The location of the genetically modified organism-
12 related activity; and
13 (6) Any other information the department may deem
14 necessary.

15 All certifications of approval shall be available to the
16 public at the department's office or on the department's
17 website.

18 (c) Any applicant to any federal agency for any permit for
19 or approval of any bioproduct, field testing of genetically
20 modified organisms, or environmental impact assessment of
21 genetically modified organisms shall submit one copy of that



1 application to the department, at the same time that the
2 application is submitted to the federal agency.

3 (d) Any person that researches, tests, propagates,
4 cultivates, grows, or produces any genetically modified organism
5 shall be civilly liable for injury or damage resulting from such
6 activity. Damage includes but is not limited to:

7 (1) Adverse effects on other crops;

8 (2) Adverse effects on the health of individuals exposed
9 to the genetically modified organism; and

10 (3) Adverse effects on the environment.

11 (e) The department shall adopt rules pursuant to chapter
12 91 to implement this section.

13 (f) The State shall not be liable for any injury or damage
14 arising from the issuance of the certification of approval,
15 unless the injury or damage results from gross negligence or
16 wanton acts or omissions on the part of the State.

17 (g) As used in this section:

18 "Genetically modified organism" means a life form or its
19 living progeny that has been altered at the nucleic acid level,
20 using the techniques collectively referred to as recombinant DNA
21 technology.



1 "Person" means an individual, corporation, partnership,
2 limited liability corporation, or any other legal entity.

3 "Recombinant DNA technology" means the transfer of genes,
4 regulatory sequences, or nucleic acid between hosts by the use
5 of vectors or laboratory manipulations and include the
6 insertion, excision, duplication, inactivation, or relocation of
7 specific genes, regulatory sequences, or sections of nucleic
8 acid. This term does not apply to material or an organism
9 developed exclusively through traditional methods of breeding,
10 hybridization, or nondirected mutagenesis."

11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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JMI

JAN 23 2007



Report Title:

Genetically Modified Organisms; DOH Notification and Certification; Liability

Description:

Requires persons proposing to engage in testing, propagating, cultivating, and growing GMOs to notify DOH and obtain a certification of approval from DOH. Includes liability provisions for injury or damage resulting from such activity.

