

JAN 23 2008

A BILL FOR AN ACT

RELATING TO GENETICALLY ENGINEERED PLANTS.

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

1 SECTION 1. The legislature finds that agricultural
2 industries are vital components of Hawaii's economy, creating
3 7,000 jobs in the State. In 2006, Hawaii farm revenues were
4 \$582,100,000. Hawaii also is a producer of organic crops, which
5 represent an estimated \$5,000,000 to \$10,000,000 a year
6 industry.

7 Hawaii has a unique, national reputation for producing high
8 quality crops and its agricultural heritage is dependent on
9 maintaining this reputation.

10 There is an acknowledged risk that genetically engineered
11 crops may contaminate organic and conventional crops.
12 Genetically engineered plants have been shown to be dispersed
13 into the environment through pollen drift, seed commingling, and
14 inadvertent transfer of seeds by humans, animals, and weather
15 events.

16 The unintended presence of genetically engineered plants
17 and material in agricultural crops can have a devastating



1 economic impact on producers who sell in organic markets and
2 foreign markets that prohibit or reject products that contain
3 genetically engineered material.

4 The legislature understands that Hawaii has been the site
5 of more than four thousand open-air field tests of genetically
6 engineered crops.

7 The purpose of this Act is to require growers and testers
8 of genetically engineered plants in the State to notify the
9 public regarding the existence of these plants.

10 SECTION 2. The Hawaii Revised Statutes is amended by
11 adding a new chapter to be appropriately designated and to read
12 as follows:

13 **"CHAPTER**

14 **GENETICALLY ENGINEERED PLANTS**

15 **§ -1 Definitions.** As used in this chapter, unless the
16 context otherwise requires:

17 "Chairperson" means the chairperson of the board of
18 agriculture.

19 "Department" means department of agriculture.

20 "Genetically engineered plant" means a plant or any plant
21 part or material, including, but not limited to, seeds and
22 pollen, in which the genetic material has been changed through



1 modern biotechnology in a way that does not occur naturally by
2 multiplication or natural recombination.

3 "Modern biotechnology" means the application of in vitro
4 nucleic acid techniques, including recombinant deoxyribonucleic
5 acid (DNA) and direct injection of nucleic acid into cells or
6 organelles. This also includes the fusion of cells (including
7 protoplast fusion) or hybridization techniques beyond the
8 taxonomic family that overcome natural physiological,
9 reproductive, or recombination barriers and that are not
10 techniques used in traditional breeding and selection. These
11 include but are not limited to: recombinant DNA techniques that
12 use vector systems and techniques involving the direct
13 introduction into the organism of hereditary materials prepared
14 outside the organism such as micro-injection, macro-injection,
15 chemoporation, electroporation, micro-encapsulation, and
16 liposome fusion.

17 **§ -2 Notification requirement.** (a) Any person
18 intending to undertake the open field production of a
19 genetically engineered plant shall notify the department of the
20 proposed production not less than thirty days prior to the
21 commencement of the proposed production.



1 (b) Notice to the department, as required by subsection
2 (a), shall be provided on a form prepared and made available by
3 the department. The notice shall include, at a minimum, the
4 following information:

5 (1) The name and contact information of the person or
6 entity proposing the production and other parties
7 involved in the open field production or manufacture
8 of the genetically engineered seed or plant;

9 (2) The proposed date of the production;

10 (3) The proposed location using a precise indicator, such
11 as a lot number or global positioning system location;

12 (4) The number of acres involved in the proposed
13 production;

14 (5) The kind, variety, type, and lot number of the seed or
15 plant, as defined in Part 201 of Title 7 of the Code
16 of Federal Regulations, Section 201.2;

17 (6) The trait or traits for which the plant is genetically
18 engineered; and

19 (7) A public information sheet containing information for
20 release to the general public, which shall contain:

21 (A) The name and contact person proposing the
22 production;



1 (B) The location of the proposed production as
2 required in paragraph (3).

3 (C) The kind of genetically engineered plant to be
4 created;

5 (D) The category of genetic modification, including,
6 but not limited to, herbicide-tolerant,
7 insecticidal, or pharmaceutical modifications;
8 and

9 (E) Any additional relevant information as required
10 by the department.

11 (c) The department, at its discretion, may require
12 information in addition to the information identified in
13 subsection (b) regarding the open field planting of genetically
14 engineered plants.

15 **§ -3 Public notice requirement.** Information submitted
16 to the department on the public information sheet pursuant to
17 section -2(b)(7) shall be made accessible to the public in
18 accordance with section 1-28.5 and posted on the department's
19 website.

20 **§ -4 Rulemaking.** The director may adopt rules, pursuant
21 to chapter 91, as necessary to carry out this chapter."



1 SECTION 3. Any person undertaking the open field
 2 production of a genetically engineered plant on the effective
 3 date of this Act shall notify the department of agriculture of
 4 the production and otherwise comply with the notification
 5 requirements established under section -2, Hawaii Revised
 6 Statutes, of this Act within sixty days of the effective date of
 7 this Act.

8 SECTION 4. This Act shall take effect upon its approval.
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Report Title:

Department of Agriculture; Notification; Genetically Engineered Plants

Description:

Requires the department of agriculture to notify the public of the location of field tests and the production of genetically engineered plants.

