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# 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:

- 8 (1) Require growers and testers of genetically engineered  
9 plants in the State of Hawaii to notify the department  
10 of agriculture regarding the existence of these  
11 plants; and
- 12 (2) Require the department of agriculture to make certain  
13 information about genetically modified plant projects  
14 accessible to the public.

15 SECTION 2. The Hawaii Revised Statutes is amended by  
16 adding a new chapter to be appropriately designated and to read  
17 as follows:

18 **"CHAPTER**

19 **GENETICALLY ENGINEERED PLANTS**

20 § -1 **Definitions.** As used in this chapter, unless the  
21 context otherwise requires:

1 "Chairperson" means the chairperson of the board of  
2 agriculture.

3 "Department" means department of agriculture.

4 "Genetically engineered plant" means a plant or any plant  
5 part or material, including, but not limited to, seeds and  
6 pollen, in which the genetic material has been changed through  
7 modern biotechnology in a way that does not occur naturally by  
8 multiplication or natural recombination.

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

1           §   -2 **Notification requirement.** (a) Any person  
2 intending to undertake the open field production of a  
3 genetically engineered plant shall notify the department of the  
4 proposed production not less than thirty days prior to the  
5 commencement of the proposed production.

6           (b) Notice to the department, as required by subsection  
7 (a), shall be provided on a form prepared and made available by  
8 the department. The notice shall include, at a minimum, the  
9 following information:

- 10           (1) The name and contact information of the person or  
11           entity proposing the production and other parties  
12           involved in the open field production or manufacture  
13           of the genetically engineered seed or plant;
- 14           (2) The proposed date of the production;
- 15           (3) The proposed location using a precise indicator, such  
16           as a lot number or global positioning system location;
- 17           (4) The number of acres involved in the proposed  
18           production;
- 19           (5) The kind, variety, type, and lot number of the seed or  
20           plant, as defined in Part 201 of Title 7 of the Code  
21           of Federal Regulations, Section 201.2;

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

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

5 (A) The name and contact person proposing the  
6 production;

7 (B) The location of the proposed production as  
8 required in paragraph (3).

9 (C) The kind of genetically engineered plant to be  
10 created;

11 (D) The category of genetic modification, including,  
12 but not limited to, herbicide-tolerant,  
13 insecticidal, or pharmaceutical modifications;  
14 and

15 (E) Any additional relevant information as required  
16 by the department.

17 (c) The department, at its discretion, may require  
18 information in addition to the information identified in  
19 subsection (b) regarding the open field production of  
20 genetically engineered plants.

21 § -3 **Public notice requirement.** Information submitted  
22 to the department on the public information sheet pursuant to

1 section -2(b)(7) shall be made accessible to the public in  
2 accordance with section 1-28.5 and posted on the department's  
3 website.

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

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

13 SECTION 4. This Act shall take effect upon its approval.

**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. (SD1)