
A BILL FOR AN ACT

RELATING TO LIABILITY OF GENETICALLY MODIFIED PLANTS.

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

1 SECTION 1. The purpose of this Act is to provide liability
2 protection for a farmer based on the presence or possession of a
3 patented genetically modified plant when:

4 (1) The farmer did not knowingly buy or otherwise
5 knowingly acquire the genetically modified plant;

6 (2) The farmer acted in good faith and without knowledge
7 of the genetically modified nature of the plant; and

8 (3) The genetically modified plant is detected at a de
9 minimis level.

10 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§663- Liability of farmers for genetically engineered
14 plants. (a) A farmer shall not be liable based on the presence
15 or possession of a patented genetically engineered plant on real
16 property owned or occupied by the farmer when:

17 (1) The farmer did not knowingly buy or otherwise
18 knowingly acquire the genetically engineered plant;



- 1 (2) The farmer acted in good faith and without knowledge
- 2 of the genetically engineered nature of the plant; and
- 3 (3) The genetically engineered plant is detected at a de
- 4 minimis level.

5 The authority of a court to determine the presence of de minimis
6 levels of a genetically engineered plant is intended solely for
7 the purpose of assisting in adjudicating claims relating to the
8 possession or use of a patented genetically engineered plant in
9 which the seed labeler, patentholder, or licensee, has rights.

10 (b) "Farmer" means a person engaged in the business of
11 agriculture, including planting, cultivating, harvesting and
12 processing of crops, including those planted, cultivated,
13 harvested, and processed for food, ornamental, grazing, or
14 forestry purposes.

15 (c) Nothing in this section is intended to:

16 (1) Establish, or be used as the basis for establishing an
17 acceptable level at which a patented genetically
18 engineered plant may be present;

19 (2) Be used to alter or limit liabilities or remedies for
20 personal injury or wrongful death; or



1 (3) Be used outside or beyond the scope or context of a
2 legal dispute regarding genetically engineered
3 plants."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

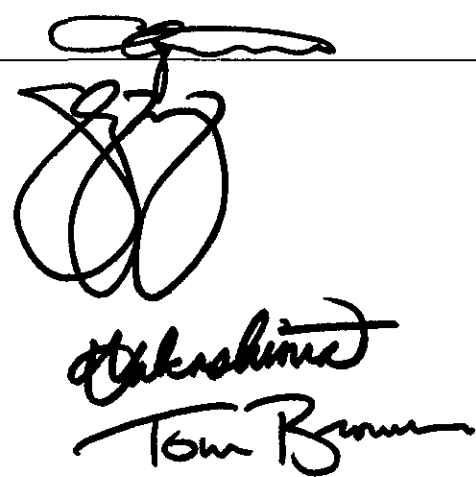
7 SECTION 4. This Act shall apply to all agricultural crops
8 grown by any farmer whether before or after the effective date
9 of this Act.

10 SECTION 5. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.

12

INTRODUCED BY: _____



Handwritten signature of Tom Brown, consisting of a stylized initial 'T' and the name 'Tom Brown' written in cursive.

JAN 20 2010

Report Title:

Agriculture; Genetically Modified Plants; Torts; Farmers

Description:

Provides immunity from liability for farmers who unknowingly acquire and use genetically modified plants when the genetically modified plant is detected at a de minimis level.

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