

JAN 21 2011

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 is also a producer of organic crops, which
5 represent an estimated \$5,000,000 to \$10,000,000 per year
6 industry. The State has a unique, national reputation for
7 producing high quality crops and its agricultural heritage is
8 dependent on maintaining this reputation.

9 The legislature acknowledges the risk that genetically
10 engineered crops may contaminate organic and conventional crops.
11 Genetically engineered plants have been shown to be dispersed
12 into the environment through pollen drift, seed commingling, and
13 inadvertent transfer of seeds by humans, animals, and weather
14 events. The legislature finds that the unintended presence of
15 genetically engineered plants and material in agricultural crops
16 can have a devastating economic impact on producers who sell in
17 organic markets and foreign markets that prohibit or reject
18 products that contain genetically engineered material. The



1 legislature further finds that Hawaii has been the site of more
2 than four thousand open-air field tests of genetically
3 engineered crops.

4 The purpose of this Act is to:

5 (1) Require growers and testers of genetically engineered
6 plants in the State of Hawaii to notify the department
7 of agriculture regarding the existence of genetically
8 engineered plants; and

9 (2) Require the department of agriculture to make certain
10 information about genetically modified plant projects
11 accessible to the public.

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

15 **"CHAPTER**

16 **GENETICALLY ENGINEERED PLANTS**

17 § -1 **Definitions.** As used in this chapter, unless the
18 context otherwise requires:

19 "Chairperson" means the chairperson of the board of
20 agriculture.

21 "Department" means department of agriculture.



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

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

20 § -2 **Notification requirement.** (a) Any person
21 intending to undertake the open field production of a
22 genetically engineered plant shall notify the department of the



1 proposed production not less than thirty days prior to the
2 commencement of the proposed production.

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

- 7 (1) The name and contact information of the person or
8 entity proposing the production and other parties
9 involved in the open field production or manufacture
10 of the genetically engineered seed or plant;
- 11 (2) The proposed date of the production;
- 12 (3) The proposed location using a precise indicator, such
13 as a lot number or global positioning system location;
- 14 (4) The number of acres involved in the proposed
15 production;
- 16 (5) The kind, variety, type, and lot number of the seed or
17 plant, as defined in Part 201 of Title 7 of the Code
18 of Federal Regulations, Section 201.2;
- 19 (6) The trait or traits for which the plant is genetically
20 engineered; and
- 21 (7) A public information sheet containing information for
22 release to the general public, which shall contain:



- 1 (A) The name and contact person proposing the
2 production;
- 3 (B) The location of the proposed production, as
4 required in paragraph (3);
- 5 (C) The kind of genetically engineered plant to be
6 created;
- 7 (D) The category of genetic modification, including
8 but not limited to herbicide-tolerant,
9 insecticidal, or pharmaceutical modifications;
10 and
- 11 (E) Any additional relevant information as required
12 by the department.

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

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



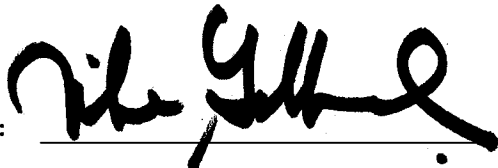
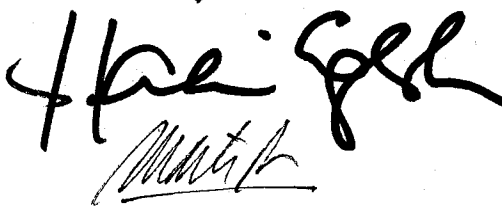
1 § -4 **Rulemaking.** The director may adopt rules, pursuant
2 to chapter 91, as necessary to carry out this chapter."

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

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

11

INTRODUCED BY:

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 intended open field production of genetically engineered plants.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

