

JAN 17 2014

A BILL FOR AN ACT

RELATING TO GENETIC ENGINEERING.

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

1 SECTION 1. The legislature finds that the economic health
2 of Hawaii's agricultural sector is critical to the overall
3 health of Hawaii's economy, and that this depends in major part
4 on the high reputation of Hawaii's farmers and their
5 agricultural products.

6 Growth in genetically engineered agricultural production
7 has been swift and pervasive throughout the nation. The quick
8 acceptance of the new technology by American farmers may,
9 however, pose serious consequences for conventional
10 agriculture -- consequences that scientists do not yet fully
11 understand. Those consequences have created doubt within the
12 farming community and Congress about the wisdom of growing
13 genetically engineered agricultural products.

14 The greatest potential harm of genetically engineered crops
15 is that the use of genetically engineered seeds and plants by a
16 farmer could unintentionally alter the crops being produced by a
17 neighboring farmer or alter other plants or animals, including



1 insects and microorganisms that interact with domestic crops, as
2 well as plants and animals within the natural environment.

3 No practical way of safeguarding against this risk is
4 available, other than abstaining from use of genetically
5 engineered material. The effect on the United States economy is
6 significant. China recently rejected 545,000 tons of imported
7 U.S. corn found to contain an unapproved genetically modified
8 strain, according to a December 20, 2013, Associated Press
9 article. In Hawaii, the counties of Kauai and Hawaii recently
10 adopted ordinances to restrict the growing of genetically
11 modified organisms, while Maui is considering a similar
12 ordinance. As reported in the *Honolulu Star-Advertiser* on
13 December 9, 2013, "Some environmentalists and farmers on Maui
14 appear poised for a conflict on a bill to add more regulations
15 on those using pesticides commercially, including businesses
16 involved in producing genetically modified organisms . . . [T]he
17 bill is similar to legislation passed in November in Kauai
18 County."

19 The purpose of this Act is to prohibit the planting of
20 genetically engineered seeds or plant parts in open fields.



1 SECTION 2. Chapter 145, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§145- Genetically engineered seeds and plant parts;**
5 **environmental risks.** (a) No person shall plant in an open
6 field in this State a genetically engineered seed or plant part,
7 the genetically engineered properties of which are capable of
8 release to an offspring. The chairperson of the board of
9 agriculture may grant an exception to this requirement upon the
10 demonstration that use of such a genetically engineered seed or
11 plant part would be within a controlled environment such that no
12 other plant could inadvertently be affected.

13 (b) For purposes of this section:

14 "Genetically engineered plant" means a plant that contains
15 a genetically engineered material or was produced with a
16 genetically engineered material. A plant shall be considered to
17 contain a genetically engineered material if the plant has been
18 injected or otherwise treated with a genetically engineered
19 material (except that the use of manure as a fertilizer for the
20 plant may not be construed to mean that the plant is produced
21 with a genetically engineered material).



1 "Genetically engineered seed" means a seed that contains a
2 genetically engineered material or was produced with a
3 genetically engineered material. A seed shall be considered to
4 contain a genetically engineered material or to have been
5 produced with a genetically engineered material if the seed (or
6 the plant from which the seed is derived) has been injected or
7 otherwise treated with a genetically engineered material (except
8 that the use of manure as a fertilizer for the plant may not be
9 construed to mean that any resulting seeds are produced with a
10 genetically engineered material).

11 "Open field" means a field that is not located within a
12 building.

13 (c) The chairperson of the board of agriculture may bring
14 an action to recover a civil penalty against any person who
15 violates this section, or who has knowingly violated a rule or
16 order made pursuant to this section. A civil penalty of not
17 more than \$100,000 may be assessed for each violation. Any
18 penalty assessed under this section is in addition to any civil
19 or criminal actions otherwise available against the same
20 conduct."

21 SECTION 3. New statutory material is underscored.

22



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

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S.B. NO. 2738

Report Title:

Genetically Engineered Seeds and Plant Parts; Prohibition; Open Field

Description:

Prohibits the planting of a genetically engineered seed or plant part in an open field; allows the chairperson of the board of agriculture to grant an exception where such planting is done in a controlled environment.

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

