

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO THE PROTECTION OF AGRICULTURAL PRODUCTS AGAINST  
INVASIVE SPECIES.

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

1           SECTION 1. Chapter 150A, Hawaii Revised Statutes, is  
2 amended by adding a new section to part II to be appropriately  
3 designated and to read as follows:

4           "§150A- Genetically engineered organisms. (a) Import,  
5 introduction, or development of a new species of genetically  
6 engineered organism shall require a permit issued by the  
7 department pursuant to rules and shall be subject to the  
8 notification, labeling, and inspection requirements of section  
9 150A-5.

10           (b) After a public hearing conducted in accordance with  
11 chapter 91 the department may, in its discretion, grant an  
12 application for a permit with or without conditions or deny an  
13 application for a permit based on the department's determination  
14 of the possibility of risk presented to agriculture,  
15 horticulture, the environment, animal, or public health.

16           (c) The department may cancel a permit or amend conditions  
17 in a permit if it determines that conditions attendant to the



1 import, introduction, or development of the new species of  
2 genetically engineered organism has changed due to newly  
3 discovered risks posed to agriculture, horticulture, the  
4 environment, animal, or public health.

5 (d) A violation of subsection (a) or a violation of any  
6 conditions in permits issued pursuant to this section shall be a  
7 violation of this chapter.

8 (e) For purposes of this section:

9 "Genetically engineered organism" means:

- 10 (1) An organism that has been altered at the molecular or  
11 cellular level by means that are not possible under  
12 natural conditions or processes, including recombinant  
13 deoxyribonucleic acid and ribonucleic acid techniques,  
14 cell fusion, microencapsulation, macroencapsulation,  
15 gene deletion and doubling, introducing a foreign  
16 gene, and changing the positions of genes, and  
17 excluding means consisting exclusively of breeding,  
18 conjugation, fermentation, hybridization, in vitro  
19 fertilization, tissue culture, or mutagenesis; or
- 20 (2) An organism made through sexual or asexual  
21 reproduction, or both, of an organism described in  
22 paragraph (1), if the reproduced organism possesses



1           any of the altered molecular or cellular  
 2           characteristics of the original organism or  
 3           organisms."

4           SECTION 2. New statutory material is underscored.

5           SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*



# S.B. NO. 370

**Report Title:**

Agriculture; Genetically Modified Organisms; Quarantine

**Description:**

Requires a permit from the department of agriculture to import, introduce, or develop a new species of genetically engineered organism. Allows the department after a public hearing to determine whether to grant a permit and under what conditions, if any, based on the department's determination of the level of risk presented to agriculture, horticulture, the environment, animal, or public health.

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

