

JAN 19 2018

---

# 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 good 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 agriculture  
10 — consequences that scientists do not yet fully understand.

11 Those consequences have created doubt within the farming  
12 community and Congress about the wisdom of growing genetically  
13 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. For example, China rejected 908,000 tons over a  
7 five-month period of imported United States corn found to  
8 contain an unapproved genetically modified strain, according to  
9 a March 25, 2014, Reuters article. In Hawaii, the counties of  
10 Hawaii, Kauai, and Maui adopted ordinances to restrict the  
11 growing of genetically modified organisms. However, in November  
12 2016, the United States Court of Appeals for the Ninth Circuit  
13 ruled that the local ordinances were preempted by state and  
14 federal law.

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

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

20 "§145- Genetically engineered seeds and plant parts;  
21 environmental risks. (a) No person shall plant in an open



1 field in this State a genetically engineered seed or plant part,  
2 the genetically engineered properties of which are capable of  
3 release to an offspring. The chairperson of the board of  
4 agriculture may grant an exception to this requirement upon the  
5 demonstration that use of that genetically engineered seed or  
6 plant part would be within a controlled environment such that no  
7 other plant could inadvertently be affected.

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

16 (c) For purposes of this section:

17 "Genetically engineered plant" means a plant that contains  
18 a genetically modified organism or was produced with a  
19 genetically modified organism. A plant shall be considered to  
20 contain a genetically modified organism if the plant has been  
21 injected or otherwise treated with a genetically modified



1 organism, except that the use of manure as a fertilizer for the  
2 plant shall not be construed to mean that the plant is produced  
3 with a genetically modified organism.

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

14 "Open field" means a field that is not located within a  
15 building."

16 SECTION 3. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.  
20



# S.B. NO. 2688

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

2

INTRODUCED BY:

*A. Calini*

*Rm EPA*  
*J. Williams Jr*



# S.B. NO. 2688

**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.*

