

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 high reputation of Hawaii's farmers and their
5 agricultural products.

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

15 The greatest potential harm of genetically modified crops
16 is that the use of genetically modified seeds and plants by a
17 farmer could unintentionally alter the crops being produced by a



1 neighboring farmer or alter other plants or animals, including
2 insects and microorganisms that interact with domestic crops, as
3 well as plants and animals within the natural environment.

4 No practical way of safeguarding against this risk is
5 available, other than abstaining from use of genetically
6 modified material. The effect on the United States economy is
7 significant. China recently rejected 908,800 tons over a five-
8 month period of imported United States corn found to contain an
9 unapproved genetically modified strain, according to a March 25,
10 2014, Reuters article.

11 In Hawaii, the counties of Kauai, Hawaii, and Maui have
12 adopted ordinances to restrict the growing of genetically
13 modified organisms. As reported in a Honolulu Star-Advertiser
14 article on August 25, 2014, a federal judge ruled that the
15 county of Kauai ordinance is preempted by state law and
16 therefore invalid. On November 26, 2014, the Honolulu Civil
17 Beat reported that the county of Hawaii ordinance had also been
18 invalidated by a federal judge due to preemption by state law.
19 In July 2015, the Associated Press reported that a federal judge
20 ruled the implementation of the county of Maui ordinance was
21 preempted by state law and invalid as well. In November 2016,



1 the United States Court of Appeals for the Ninth Circuit upheld
2 the lower federal court decisions. As such, currently there is
3 no ban or partial ban of genetically modified organisms in
4 effect in the State of Hawaii.

5 In light of the great uncertainty surrounding the safety of
6 emerging biotechnologies and their effects upon human health,
7 government must respond in a rational and compassionate way.

8 The "precautionary principle", while not a new concept, has
9 gained acceptance in Europe and within the scientific community.

10 Perhaps the best known formulation of this principle within the
11 scientific community is the Wingspread Statement, which states

12 in pertinent part: "Therefore, it is necessary to implement the

13 Precautionary Principle: When an activity raises threats of

14 harm to human health or the environment, precautionary measures

15 should be taken even if some cause and effect relationships are

16 not fully established scientifically." In this context the

17 proponent of an activity, rather than the public, should bear

18 the burden of proof. When government faces a decision regarding

19 the introduction of technologies where the health and safety

20 consequences to the public are unknown, the precautionary

21 principle provides that precautionary measures should be taken,



1 even if the risk to the public is uncertain, to mitigate
2 possible negative consequences.

3 The purpose of this Act is to require the department of
4 agriculture to adopt the precautionary principle in order to
5 anticipate, prevent, or minimize the adverse effects of
6 biotechnology and genetic engineering.

7 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§141- Precautionary principle; genetic engineering.

11 The department of agriculture shall take precautionary measures
12 to anticipate, prevent, or minimize the adverse effects of
13 biotechnology and genetic engineering. Where there are threats
14 of serious or irreversible damage, lack of full scientific
15 certainty should not be used as a reason for postponing the
16 application of precautionary measures, taking into account that
17 policies and measures should be at the lowest reasonable cost.
18 To achieve this, policies and measures should take into account
19 different socioeconomic contexts, be comprehensive, cover all
20 relevant sources, and comprise all agricultural sectors."

21 SECTION 3. New statutory material is underscored.



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

2

INTRODUCED BY:

4. Kh. GSR

Don E. R.
Don Schaefer
Franklin



Report Title:

Genetic Engineering; Precautionary Principle

Description:

Mandates the Department of Agriculture to take precautionary measures to anticipate, prevent, or minimize the adverse effects of biotechnology and genetic engineering.

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

