

House Bill 2319

Sponsored by Representative BUCKLEY (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows State Department of Agriculture to impose appropriate precautions and safeguards on growing of agricultural and horticultural commodities to prevent spreading of genetically engineered material to nearby property used for farming practices. Makes violation subject to civil penalty not to exceed \$10,000.

A BILL FOR AN ACT

1
2 Relating to commodities containing genetically engineered material.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a)(A) **"Farming practice" means a mode of operation on a farm that:**

6 (i) **Is or may be used on a farm of a similar nature;**

7 (ii) **Is a generally accepted, reasonable and prudent method for the operation of the farm**
8 **to obtain a profit in money;**

9 (iii) **Is or may become a generally accepted, reasonable and prudent method in conjunc-**
10 **tion with farm use;**

11 (iv) **Complies with applicable laws; and**

12 (v) **Is done in a reasonable and prudent manner.**

13 (B) **"Farming practice" does not include the planting, growing or harvesting of an agri-**
14 **cultural or horticultural commodity containing genetically engineered material.**

15 (b) **"Genetically engineered material" means a substance derived from any part of a ge-**
16 **netically engineered organism, whether or not the altered molecular or cellular character-**
17 **istics of the organism are detectable in the substance.**

18 (c) **"Genetically engineered organism" means:**

19 (A) **A life form that has been altered at the molecular or cellular level by means that are**
20 **not possible under natural conditions or processes, except means consisting exclusively of**
21 **breeding, conjugation, fermentation, hybridization, in vitro fertilization, tissue culture or**
22 **mutagenesis; or**

23 (B) **A life form produced through sexual or asexual reproduction involving an initial life**
24 **form described in subparagraph (A) of this paragraph, if the life form produced possesses any**
25 **of the altered molecular or cellular characteristics of the initial life form.**

26 (2) **Notwithstanding ORS 30.930 to 30.947, if a person engaged in a farming practice be-**
27 **lieves that the planting, growing or harvesting on nearby land of an agricultural or**
28 **horticultural commodity that contains genetically engineered material is interfering with or**
29 **may interfere with the farming practice through the spreading of the genetically engineered**
30 **material, the person may request that the State Department of Agriculture conduct site in-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **speciation and monitoring of the land where the agricultural or horticultural commodity is**
 2 **being planted, grown or harvested. If the department receives a request under this sub-**
 3 **section, subject to subsection (4) of this section, the department shall conduct a site in-**
 4 **spection of the land where planting, growing or harvesting of a commodity containing**
 5 **genetically engineered material is allegedly being conducted.**

6 **(3) If the department conducts a site inspection under this section and finds that an ag-**
 7 **ricultural or horticultural commodity that contains genetically engineered material is being**
 8 **planted, grown or harvested on land, subject to subsection (4) of this section, the department**
 9 **shall issue an order requiring the person planting, growing or harvesting the commodity to**
 10 **take the precautions and safeguards the department deems appropriate to prevent the**
 11 **spreading of the genetically engineered material to nearby land used for farming practices.**
 12 **Precautions and safeguards that the department deems appropriate may include, but need**
 13 **not be limited to, limitations on or prohibitions against the future planting of a commodity**
 14 **that contains genetically engineered material. However, when considering whether it is ap-**
 15 **propriate to limit or prohibit the future planting of a commodity that contains genetically**
 16 **engineered material, the department shall consider whether use of the land for planting,**
 17 **growing and harvesting a commodity that contains genetically engineered material predates**
 18 **nearby farming practices.**

19 **(4) The department may conduct site inspections or require precautions and safeguards**
 20 **under this section only to the extent allowed under federal law or under any memorandum**
 21 **of understanding or other agreement between the department and the United States De-**
 22 **partment of Agriculture's Animal and Plant Health Inspection Service or any successor to**
 23 **that service.**

24 **(5) The State Department of Agriculture may adopt rules for the administration and**
 25 **enforcement of this section.**

26 **(6) The department may assess a civil penalty against a person who violates a department**
 27 **order issued under this section. The civil penalty may not exceed \$10,000. Civil penalties**
 28 **under this section shall be imposed as provided in ORS 183.745.**

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