

HB 2739 STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 04/18/17

Action: Without recommendation as to passage and be referred to Rules.

Vote: 8-2-1-0

Yeas: 8 - Barker, Gorsek, Greenlick, Lininger, Olson, Sanchez, Stark, Williamson

Nays: 2 - Post, Vial

Exc: 1 - Sprenger

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Provides cause of action against patent holder of genetically engineered organism if organism is present on land without permission. Allows person with beneficial interest in land to bring action and seek treble damages and attorney fees. Allows action by any person residing in jurisdiction if organism is found on land owned by public body and public body declines to bring action. Voids shift in liability achieved through contract. Creates affirmative defense if organism is present on land due to intentional act by person or other entity and is present without permission of patent holder. Defines terms.

ISSUES DISCUSSED:

- Method of genetically engineered organism production
- Effects on farmers
- Patent holder liability

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A genetically modified organism (GMO) is an organism that has some genetic changes produced through laboratory techniques, including manipulation of genetic material or introduction of modified genetic material into the organism. GMO crops may be produced to be resistant to pesticides and herbicides, to combat disease and parasites, or to increase nutritional value. Several countries ban producing or importing GMO crops and local farmers and agricultural operations may be concerned about accidental contamination of crops with GMO products.

House Bill 2739 creates an avenue for a person to sue the patent holder of a GMO product if the GMO is found on land without permission. This action may only be brought by a person with a beneficial interest in the land. The measure allows for a request for treble damages and attorney fees. If a GMO is found on public land, any person within the jurisdiction of the public body owning the land may bring an action, should the public body decline to do so. The measure allows an affirmative defense for GMOs present on land through an intentional act that was done without the permission of the patent holder.