

Senate Bill 1037

Sponsored by Senators FREDERICK, DEMBROW; Senators MANNING JR, MONNES ANDERSON, PROZANSKI, Representatives GOMBERG, GORSEK, HOLVEY, KENY-GUYER, LIVELY, MARSH, NOSSE, PILUSO, SANCHEZ

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 local government to inhibit or prevent production or use of seed or seed products for purpose of protecting seed or products that are not genetically engineered from adverse impacts of genetically engineered seed or products or if enforcing local measure approved by county voters on May 20, 2014.

A BILL FOR AN ACT

1
2 Relating to genetically engineered goods; amending ORS 633.738 and 633.741.

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

4 **SECTION 1.** ORS 633.738 is amended to read:

5 633.738. (1) As used in this section:

6 **(a)(A) "Genetically engineered" means produced from one or more organisms in which**
7 **the genetic material has been changed through the application of:**

8 **(i) Vector-based recombinant deoxyribonucleic acid or ribonucleic acid techniques, direct**
9 **introduction of deoxyribonucleic acid or ribonucleic acid into cells or organelles or other in**
10 **vitro nucleic acid techniques; or**

11 **(ii) Methods of fusing cells or protoplasts beyond the taxonomic family that overcome**
12 **natural physiological, reproductive or recombination barriers.**

13 **(B) "Genetically engineered" does not mean resulting from conjugation, transduction,**
14 **hybridization or other techniques used in traditional breeding and selection.**

15 **(b) "In vitro nucleic acid techniques" means processes in which deoxyribonucleic acid or**
16 **ribonucleic acid are prepared outside of organisms and the resulting material is then intro-**
17 **duced into recipient cells or organisms in a manner that changes the genetic material of the**
18 **recipient.**

19 *[(a)]* **(c)** "Local government" has the meaning given that term in ORS 174.116.

20 *[(b)]* **(d)** "Nursery seed" means any propagant of nursery stock as defined in ORS 571.005.

21 (2) Except as provided in *[subsection (3) of]* this section, a local government may not enact or
22 enforce a local law or measure, including but not limited to an ordinance, regulation, control area
23 or quarantine, to inhibit or prevent the production or use of agricultural seed, flower seed, nursery
24 seed or vegetable seed or products of agricultural seed, flower seed, nursery seed or vegetable seed.
25 The prohibition imposed by this subsection includes, but is not limited to, any local laws or meas-
26 ures for regulating the display, distribution, growing, harvesting, labeling, marketing, mixing, no-
27 tification of use, planting, possession, processing, registration, storage, transportation or use of
28 agricultural seed, flower seed, nursery seed or vegetable seed or products of agricultural seed,
29 flower seed, nursery seed or vegetable seed.

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 (3) Subsection (2) of this section does not prohibit a local government from enacting or enforcing
2 a local law or measure to inhibit or prevent the production or use of agricultural seed, flower seed,
3 nursery seed or vegetable seed or products of agricultural seed, flower seed, nursery seed or vege-
4 table seed on property owned by the local government.

5 **(4) Subsection (2) of this section does not prohibit a local government from enacting or**
6 **enforcing a local law or measure to inhibit or prevent the production or use of agricultural**
7 **seed, flower seed, nursery seed or vegetable seed, or products of agricultural seed, flower**
8 **seed, nursery seed or vegetable seed, for the purpose of protecting the production or use of**
9 **seed or products that are not genetically engineered from adverse impacts of seed or pro-**
10 **ducts that are genetically engineered.**

11 **SECTION 2.** ORS 633.741 is amended to read:

12 633.741. ORS 633.738 does not apply to any local measure that was[:]

13 [(1) *Proposed by initiative petition and, on or before January 31, 2013, qualified for placement on*
14 *the ballot in a county; and]*

15 [(2)] approved by the electors of [*the*] a county at an election held on May 20, 2014.
16
