

Senate Bill 570

Sponsored by Senators SHIELDS, GEORGE, BATES, MONNES ANDERSON (at the request of Oregon Physicians for Social Responsibility)

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**.

Prohibits growing, raising or cultivating certain genetically engineered plants. Imposes civil penalty for violation, not to exceed \$25,000.

Applies to period commencing August 1, 2005, and ending July 31, 2009.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crops; and declaring an emergency.

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

4 **SECTION 1. Sections 2 to 4 of this 2005 Act may be cited as the Oregon Genetically En-**
5 **gineered Pharmaceutical and Industrial Crop Act.**

6 **SECTION 2. As used in this section and section 3 of this 2005 Act:**

7 (1) **“Genetically engineered” means that genetic material has been changed through**
8 **modern biotechnology in a way that does not occur naturally by multiplication or natural**
9 **recombination.**

10 (2) **“Industrial crop”:**

11 (a) **Means, except as provided in paragraph (b) of this subsection, genetically engineered**
12 **plants that are designed to produce industrial products, substances for use in industrial**
13 **products, industrial or research chemicals, or industrial or research enzymes.**

14 (b) **Does not mean a crop that is genetically engineered to produce:**

15 (A) **A greater or lesser quantity of a chemical or enzyme that naturally occurs in the**
16 **plant; or**

17 (B) **A chemical or enzyme that is generally recognized as safe by the federal Food and**
18 **Drug Administration.**

19 (3) **“Modern biotechnology” means:**

20 (a) **Recombinant deoxyribonucleic acid, the direct injection of nucleic acid into cells or**
21 **organelles, and other in vitro nucleic acid techniques;**

22 (b) **Fusion of cells beyond the taxonomic family, if the fusion:**

23 (A) **Overcomes natural physiological, reproductive or recombination barriers; and**

24 (B) **Is not used in traditional breeding and selection; and**

25 (c) **Any other process within the definition of “modern biotechnology” adopted by the**
26 **Codex Alimentarius Commission of the United Nations Food and Agriculture Organization**
27 **and in effect on the effective date of this 2005 Act.**

28 (4) **“Pharmaceutical crop” means genetically engineered plants that are designed to**
29 **produce human or veterinary drugs or biologics.**

30 **SECTION 3. A person may not grow, raise or cultivate a pharmaceutical crop or indus-**

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 **trial crop:**

2 (1) **In an outdoor environment; or**

3 (2) **Using a plant species that is commonly grown for use as food for humans or animals.**

4 **SECTION 4. (1) The State Department of Agriculture shall administer and enforce sec-**
5 **tion 3 of this 2005 Act. The department may impose a civil penalty for a violation of section**
6 **3 of this 2005 Act. The penalty may not exceed \$25,000. The department may consider each**
7 **day of a continuing violation to be a separate violation that is subject to a separate civil**
8 **penalty.**

9 (2) **In imposing a civil penalty under this section, the department shall consider the fol-**
10 **lowing factors:**

11 (a) **The gravity and magnitude of the violation, including the actual or potential threat**
12 **to health, safety or well-being of humans or animals.**

13 (b) **The amount of any benefit the person realized from the violation.**

14 (c) **The past history of the person incurring the penalty.**

15 (3) **If the department determines that action is necessary to collect a civil penalty im-**
16 **posed under this section that has become final and no longer subject to appeal, the depart-**
17 **ment may bring an action in any court of competent jurisdiction to collect the penalty. The**
18 **department is entitled to recover all attorney fees, costs and disbursements incurred by the**
19 **department in bringing the collection action.**

20 **SECTION 5. Sections 1 to 4 of this 2005 Act become operative August 1, 2005.**

21 **SECTION 6. Sections 1 to 4 of this 2005 Act are repealed July 31, 2009.**

22 **SECTION 7. This 2005 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
24 **on its passage.**

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