S T A T E O F N E W Y O R K

7658

2009-2010 Regular Sessions

I N A S S E M B L Y

April 17, 2009

Introduced by M. of A. P. RIVERA -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing a genetically modified organism registry

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The agriculture and markets law is amended by adding a new section 16-b to read as follows:

S 16-B. GENETICALLY MODIFIED ORGANISM REGISTRY. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL MEAN:

A. "GENETICALLY MODIFIED ORGANISM" SHALL MEAN:

(I) AN ORGANISM THAT HAS BEEN ALTERED AT THE MOLECULAR OR CELLULAR LEVEL BY MEANS THAT ARE NOT POSSIBLE UNDER NATURAL CONDITIONS OR PROCESSES, INCLUDING RECOMBINANT DNA AND RNA TECHNIQUES, CELL FUSION, MICROENCAPSULATION, MACROENCAPSULATION, GENE DELETION AND DOUBLING, INTRODUCTION OF A FOREIGN GENE, AND A PROCESS THAT CHANGES THE POSITIONS OF GENES, OTHER THAN A MEANS CONSISTING EXCLUSIVELY OF BREEDING, CONJUGATION, FERMENTATION, HYBRIDIZATION, IN VITRO FERTILIZATION, OR TISSUE CULTURE; AND

(II) AN ORGANISM MADE THROUGH SEXUAL OR ASEXUAL REPRODUCTION, OR BOTH, INVOLVING AN ORGANISM DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF POSSESSING ANY OF THE ALTERED MOLECULAR OR CELLULAR CHARACTERISTICS OF THE ORGANISM SO DESCRIBED.

B. "HIGHER EDUCATION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION EIGHT OF SECTION TWO OF THE EDUCATION LAW.

2. THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A REGISTRY OF GENETICALLY MODIFIED ORGANISMS USED IN THE PRODUCTION OF SEEDS, AND BY INSTITUTIONS OF HIGHER EDUCATION FOR THE PURPOSES OF RESEARCH AND IN ANY OF THEIR AGRICULTURE RELATED PROGRAMS. THE INFORMATION INCLUDED IN SUCH REGISTRY SHALL BE MADE AVAILABLE TO THE PUBLIC, UPON REQUEST, IN WRITTEN FORM AND IN ELECTRONIC FORM ON THE DEPARTMENT'S INTERNET WEBSITE. ALL

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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INFORMATION IN THE GENETICALLY MODIFIED ORGANISM REGISTRY AVAILABLE TO THE PUBLIC SHALL BE UPDATED BY THE DEPARTMENT NOT LESS FREQUENTLY THAN ONCE EVERY SIX MONTHS.

3. THE DEPARTMENT, AS PART OF MAINTAINING THE REGISTRY REQUIRED BY THIS SECTION, SHALL ESTABLISH MAPS OF EACH COUNTY IN WHICH REGISTERED GENETICALLY MODIFIED ORGANISMS ARE USED, STATING THE EXACT LOCATION WITHIN THE COUNTY OF EACH SUCH ORGANISM, THE TYPE OF SUCH ORGANISM AT EACH LOCATION AND THE USE OF SUCH ORGANISM AT EACH LOCATION.

4. SUBJECT TO THE RULES AND REGULATIONS OF THE DEPARTMENT, EACH SELLER, DISTRIBUTOR OR PROVIDER OF SEEDS WHICH USES OR POSSESSES GENETICALLY MODIFIED ORGANISMS, AND EACH INSTITUTION OF HIGHER EDUCATION WHICH USES OR POSSESSES GENETICALLY MODIFIED ORGANISMS FOR THE PURPOSE OF RESEARCH OR IN ANY OF ITS AGRICULTURE RELATED PROGRAMS, SHALL REGISTER ALL SUCH ORGANISMS WITH THE DEPARTMENT IN A TIMELY MANNER. EACH PERSON OR ENTITY REQUIRED TO REGISTER ITS GENETICALLY MODIFIED ORGANISMS PURSUANT TO THIS SUBDIVISION SHALL INCLUDE INFORMATION ON HOW IT USES SUCH ORGANISMS, INCLUDING BUT NOT LIMITED TO THE EXACT AGRICULTURAL PRODUCT OR CROP UPON WHICH A GENETICALLY MODIFIED ORGANISM HAS AN EFFECT.

5. THE DEPARTMENT SHALL ANNUALLY ISSUE A REPORT ON THE INFORMATION COMPILED IN THE GENETICALLY MODIFIED ORGANISM REGISTRY, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC, AND SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE ON OR BEFORE MARCH FIRST. SUCH REPORT SHALL INCLUDE INFORMATION ON THE USES AND LOCATIONS OF GENETICALLY MODIFIED ORGANISMS IN THIS STATE, AND THE EFFECTS SUCH USES ARE HAVING UPON THE STATE AND ITS RESIDENTS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided that the department of agriculture and markets is authorized and directed to take all actions necessary to implement the provisions of this act on its effective date on or before such date.