

3610

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to genetically modified crops

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

1 Section 1. Article 27 and sections 450, 451, 452, 453, 454 and 455 of
2 the agriculture and markets law, as renumbered by chapter 1047 of the
3 laws of 1965, are renumbered article 29 and sections 600, 601, 602, 603,
4 604 and 605 and a new article 27 is added to read as follows:

5 ARTICLE 27

6 GENETICALLY MODIFIED CROPS

7 SECTION 450. LEGISLATIVE FINDINGS.

8 451. DEFINITIONS.

9 452. PLANTING OF CROPS.

10 453. MARKETING PLAN.

11 S 450. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS THAT GENETICALLY
12 MODIFIED CROPS POSE RISKS OF UNKNOWN DIMENSION TO HUMAN HEALTH AND THE
13 ENVIRONMENT, AND THAT DRAMATIC INCREASES IN THE PLANTING AND CONSUMPTION
14 OF SUCH CROPS OVER THE PAST SEVERAL YEARS HAVE FAR OUTPACED OUR UNDER-
15 STANDING OF THEIR IMMEDIATE AND LONG-TERM EFFECTS. FURTHERMORE, BECAUSE
16 THE EXCHANGE OF GENETIC MATERIAL BETWEEN GENETICALLY MODIFIED CROPS AND
17 CONVENTIONAL CROPS, WILD PLANTS, AND ORGANISMS IS KNOWN TO OCCUR, GENET-
18 ICALLY MODIFIED MATERIAL AND ANY ADVERSE CHARACTERISTICS IT CONFERS OR
19 PROMOTES CAN BE IRREVOCABLY DISPERSED INTO THE WIDER ENVIRONMENT. THE
20 LIST OF POTENTIAL HAZARDS OF CONCERN INCLUDES BUT IS NOT LIMITED TO: THE
21 DEVELOPMENT OF INSECT AND WEED RESISTANCE TO PESTICIDES; INJURY OR DEATH
22 OF NON-TARGET SPECIES; CROP LOSS FROM SEEDS THAT DO NOT YIELD AS
23 EXPECTED OR THAT PRODUCE CROPS WITH UNEXPECTED CHARACTERISTICS; AND
24 ALLERGENICITY, TOXICITY, OR DECREASED NUTRITIONAL VALUE OF GENETICALLY

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

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1 MODIFIED CROPS. THE LEGISLATURE FURTHER FINDS THAT FOODS PRODUCED FROM
2 GENETICALLY MODIFIED CROPS ARE INCREASINGLY BEING REJECTED BY DISTRIBUTORS,
3 PROCESSORS, RETAILERS AND CONSUMERS ALIKE IN BOTH DOMESTIC AND
4 INTERNATIONAL MARKETS. THE GROWTH OF GENETICALLY MODIFIED CROPS IN NEW
5 YORK STATE THUS PLACES ALL STATE FARMERS AT RISK IN THE MARKETPLACE.
6 THOSE WHO INTENTIONALLY PLANT GENETICALLY MODIFIED CROPS AND KNOWINGLY
7 ACCEPT THE MARKETPLACE RISK ALSO PLACE AT RISK THOSE WHO PLANT CONVENTIONAL
8 CROPS, WHICH CAN BE UNINTENTIONALLY CONTAMINATED BY GENETICALLY
9 MODIFIED CROPS. A MORATORIUM ON THE PLANTING AND GROWING OF GENETICALLY
10 MODIFIED CROPS IN NEW YORK STATE WILL ENHANCE THE VALUE AND PROTECT THE
11 REPUTATION OF NEW YORK STATE'S AGRICULTURAL PRODUCTS, CONFERRING A
12 SIGNIFICANT MARKETING ADVANTAGE WHILE PRESERVING THE STATE'S ECOLOGICAL
13 HEALTH. FOR THESE REASONS, THE LEGISLATURE ESTABLISHES A MORATORIUM ON
14 THE PLANTING AND GROWING OF GENETICALLY MODIFIED CROPS IN NEW YORK
15 STATE.

16 S 451. DEFINITIONS. AS USED IN THIS ARTICLE "GENETICALLY MODIFIED
17 CROPS" SHALL MEAN CROPS PRODUCED FROM PLANT VARIETIES CREATED USING
18 TECHNIQUES THAT ALTER THE MOLECULAR OR CELL BIOLOGY OF AN ORGANISM BY
19 MEANS THAT ARE NOT POSSIBLE UNDER NATURAL CONDITIONS OR PROCESSES.
20 GENETIC MODIFICATION SHALL INCLUDE RECOMBINANT DNA, CELL FUSION, MICRO-
21 AND MACRO-ENCAPSULATION, GENE DELETION AND DOUBLING, INTRODUCTION OF A
22 FOREIGN GENE, AND GENE REPOSITIONING. IT SHALL NOT INCLUDE CROP BREED-
23 ING, CONJUGATION, FERMENTATION, HYBRIDIZATION, AND TISSUE CULTURE.

24 S 452. PLANTING OF CROPS. NO GENETICALLY MODIFIED CROPS MAY BE PLANTED
25 OR GROWN IN THE STATE FOR A PERIOD OF FIVE YEARS AFTER THE EFFECTIVE
26 DATE OF THIS ARTICLE. THIS SECTION SHALL NOT APPLY TO PLANTING AND GROW-
27 ING GENETICALLY MODIFIED CROPS SOLELY FOR THE PURPOSE OF CONDUCTING
28 RESEARCH AND NOT FOR SALE, USE OR CONSUMPTION BY THE PUBLIC. GROWING AND
29 PLANTING OF GENETICALLY MODIFIED CROPS FOR RESEARCH PURPOSES SHALL BE IN
30 AN ENCLOSED FACILITY OR ON AN OUTDOOR PLOT OF LAND NOT MORE THAN FIVE
31 ACRES AT LEAST SIX HUNDRED SIXTY FEET FROM ANY OTHER PLOT USED FOR THE
32 PLANTING AND GROWING OF CROPS. NO ONE LOCATION SHALL EXCEED A COMBINED
33 TOTAL OF TEN ACRES OF LAND FOR PLANTING AND GROWING OF GENETICALLY MODI-
34 FIED CROPS.

35 S 453. MARKETING PLAN. THE DEPARTMENT SHALL PREPARE A MARKETING PLAN
36 THAT USES THE MORATORIUM AS A PROMOTIONAL TOOL FOR NEW YORK STATE AGRI-
37 CULTURAL PRODUCTS.

38 S 2. This act shall take effect on the first of January next succeed-
39 ing the date on which it shall have become a law.