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

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2011-2012 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. McENENY, COOK, ENGLEBRIGHT, ORTIZ -- Multi-Sponsored by -- M. of A. BRENNAN, COLTON, DINOWITZ, GLICK, HOYT, MARKEY, WEISENBERG -- read once and referred 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:

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

ARTICLE 27

GENETICALLY MODIFIED CROPS

SECTION 450. LEGISLATIVE FINDINGS.
451. DEFINITIONS.
452. PLANTING OF CROPS.
453. MARKETING PLAN.

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

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

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

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

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

S 453. MARKETING PLAN. THE DEPARTMENT SHALL PREPARE A MARKETING PLAN THAT USES THE MORATORIUM AS A PROMOTIONAL TOOL FOR NEW YORK STATE AGRICULTURAL PRODUCTS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.