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2011-2012 Regular Sessions

I N A S S E M B L Y

January 13, 2011

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

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

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

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

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