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

4825

2011-2012 Regular Sessions

I N A S S E M B L Y

February 8, 2011

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 enacting the "genetically engineered pharmaceutical and industrial crop act"

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

Section 1. Short title. This act shall be known and may be cited as the "genetically engineered pharmaceutical and industrial crop act".

S 2. The agriculture and markets law is amended by adding a new article 10-B to read as follows:

ARTICLE 10-B

GENETICALLY ENGINEERED PHARMACEUTICAL AND INDUSTRIAL CROPS

SECTION 147-K. DEFINITIONS.
147-L. PROHIBITION.
147-M. PENALTIES.
147-N. ENFORCEMENT.

S 147-K. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

1. "GENETICALLY ENGINEERED" SHALL MEAN THAT GENETIC MATERIAL HAS BEEN CHANGED THROUGH MODERN BIOTECHNOLOGY IN A WAY THAT DOES NOT OCCUR NATURALLY BY MULTIPLICATION OR NATURAL RECOMBINATION.

2. "INDUSTRIAL CROP" SHALL MEAN GENETICALLY ENGINEERED PLANTS THAT ARE DESIGNED TO PRODUCE INDUSTRIAL PRODUCTS, SUBSTANCES FOR USE IN INDUSTRIAL PRODUCTS, INDUSTRIAL OR RESEARCH CHEMICALS, OR INDUSTRIAL OR RESEARCH ENZYMES.

3. "MODERN BIOTECHNOLOGY" SHALL MEAN:

A. RECOMBINANT DEOXYRIBONUCLEIC ACID, THE DIRECT INJECTION OF NUCLEIC ACID INTO CELLS OR ORGANELLES, AND OTHER IN VITRO NUCLEIC ACID TECHNIQUES;

B. FUSION OF CELLS BEYOND THE TAXONOMIC FAMILY, IF THE FUSION:

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

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(1) OVERCOMES NATURAL PHYSIOLOGICAL, REPRODUCTIVE OR RECOMBINATION BARRIERS, AND

(2) IS NOT USED IN TRADITIONAL BREEDING AND SELECTION; AND

C. ANY OTHER PROCESS WITHIN THE DEFINITION OF SUCH TERM ADOPTED BY THE CODEX ALIMENTARIUS COMMISSION OF THE UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION AND IN EFFECT ON THE EFFECTIVE DATE OF THIS ARTICLE.

4. "PHARMACEUTICAL CROP" SHALL MEAN GENETICALLY ENGINEERED PLANTS THAT ARE DESIGNED TO PRODUCE HUMAN OR VETERINARY DRUGS OR BIOLOGICS.

S 147-L. PROHIBITION. NO PERSON OR ENTITY SHALL GROW, RAISE, SELL, TRANSPORT OR CULTIVATE ANY PHARMACEUTICAL CROP OR INDUSTRIAL CROP:

1. IN AN OUTDOOR ENVIRONMENT;

2. USING A PLANT SPECIES THAT IS COMMONLY GROWN FOR USE AS FOOD FOR HUMANS OR ANIMALS; OR

3. IN AN INDOOR ENVIRONMENT OR LABORATORY THAT DOES NOT CONFORM TO THE HIGHEST FEDERAL ANTI-CONTAMINATION STANDARDS FOR LABORATORIES AND FACILITIES THAT HANDLE BIO-HAZARDS.

S 147-M. PENALTIES. ANY PERSON OR ENTITY THAT VIOLATES THE PROVISIONS OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS AND NOT MORE THAN ONE MILLION DOLLARS.

S 147-N. ENFORCEMENT. 1. THE ATTORNEY GENERAL SHALL, AT THE REQUEST OF THE COMMISSIONER, OR MAY, ON HIS OR HER OWN INITIATIVE, SEEK EQUITABLE RELIEF TO RESTRAIN ANY VIOLATION OR THREATENED VIOLATION OF THIS ARTICLE.

2. THE ATTORNEY GENERAL SHALL, AT THE REQUEST OF THE COMMISSIONER, OR MAY, ON HIS OR HER OWN INITIATIVE, AND ANY OTHER AGGRIEVED PARTY MAY COMMENCE A CIVIL ACTION TO RECOVER DAMAGES, INCLUDING PUNITIVE DAMAGES, FOR ANY CLEAN UP COSTS AND RESTITUTION COSTS RELATED TO CONTAMINATED FOOD PRODUCTS AND ANY DAMAGE OR POTENTIAL DAMAGE TO THE ENVIRONMENT CAUSED BY A VIOLATION OF THIS ARTICLE.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.