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

January 26, 2011

Introduced by M. of A. P. RIVERA, PEOPLES-STOKES, ORTIZ, McENENY, COLTON -- Multi-Sponsored by -- M. of A. CLARK, CROUCH, GUNTHER, HOYT, JACOBS, LIFTON, LUPARDO, MILLMAN -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the labeling requirements for seeds which are or include genetically engineered organisms

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

Section 1. Section 136 of the agriculture and markets law is amended by adding two new subdivisions 22 and 23 to read as follows:

22. THE TERM "MODERN BIOTECHNOLOGY" MEANS:

(A) IN VITRO NUCLEIC ACID TECHNIQUES, INCLUDING RECOMBINANT DEOXYRIBONUCLEIC ACID (DNA) AND DIRECT INJECTION OF NUCLEIC ACID INTO CELLS OR ORGANELLES THAT OVERCOME NATURAL PHYSIOLOGICAL REPRODUCTIVE OR RECOMBINANT BARRIERS AND THAT ARE NOT TECHNIQUES USED IN TRADITIONAL BREEDING AND SELECTION. SUCH TECHNIQUES SHALL ALSO INCLUDE, BUT NOT BE LIMITED TO, RECOMBINANT DEOXYRIBONUCLEIC ACID TECHNIQUES THAT USE VECTOR SYSTEMS AND TECHNIQUES INVOLVING THE DIRECT INTRODUCTION INTO THE ORGANISM OF HEREDITARY MATERIALS PREPARED OUTSIDE THE ORGANISM SUCH AS MICRO-INJECTION, MACRO-INJECTION, CHEMOPORATION, MICRO-ENCAPSULATION AND LIPOSOME FUSION.

(B) FUSION OF CELLS BEYOND THE TAXONOMIC FAMILY, INCLUDING PROTOPLAST FUSION OR HYBRIDIZATION TECHNIQUES, THAT OVERCOME NATURAL PHYSIOLOGICAL REPRODUCTIVE OR RECOMBINANT BARRIERS WHERE THE DONOR CELLS OR PROTOPLASTS DO NOT FALL WITHIN THE SAME TAXONOMIC FAMILY AND THAT ARE NOT TECHNIQUES USED IN TRADITIONAL BREEDING AND SELECTION.

23. THE TERM "GENETICALLY ENGINEERED ORGANISM" MEANS AN ORGANISM IN WHICH THE GENETIC MATERIAL HAS BEEN CHANGED THROUGH MODERN BIOTECHNOLOGY IN A WAY THAT DOES NOT OCCUR NATURALLY BY MULTIPLICATION AND/OR NATURAL RECOMBINATION.

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

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S 2. Section 137 of the agriculture and markets law is amended by adding a new subdivision I to read as follows:

I. FOR ALL SEEDS WHICH ARE OR INCLUDE GENETICALLY ENGINEERED ORGANISMS. THE FOLLOWING IN NOT LESS THAN TEN POINT TYPE:

1. THE WORDS "THESE ARE GENETICALLY ENGINEERED SEEDS".

2. THE IDENTITY OF THE RELEVANT TRAITS OR CHARACTERISTICS INTRODUCED INTO SUCH SEED USING MODERN BIOTECHNOLOGY.

3. ANY REQUIREMENTS FOR THE SAFE HANDLING, STORAGE, TRANSPORT AND USE OF THE SEED.

4. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE MANUFACTURER OF THE SEED.

5. THE NAME AND ADDRESS OF THE PERSON WHO LABELED SAID SEED OR WHO SELLS, OFFERS FOR SALE OR EXPOSES SAID SEED FOR SALE WITHIN THIS STATE.

S 3. The opening paragraph of section 139 of the agriculture and markets law, as added by chapter 631 of the laws of 1955, is amended to read as follows:

The provisions of this article [do], WITH THE EXCEPTION OF SUBDIVISION I OF SECTION ONE HUNDRED THIRTY-SEVEN OF THIS ARTICLE, SHALL not apply TO THE FOLLOWING:

S 4. The three undesignated paragraphs of section 142 of the agriculture and markets law are designated subdivisions 1, 2 and 3, and a new subdivision 4 is added to read as follows:

4. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS SHALL BE NECESSARY TO IMPLEMENT THE PROVISIONS OF SUBDIVISION I OF SECTION ONE HUNDRED THIRTY-SEVEN OF THIS ARTICLE IN RELATION TO THE LABELING OF SEEDS WHICH ARE OR INCLUDE GENETICALLY ENGINEERED ORGANISMS, TAKING INTO CONSIDERATION: THE ORIGINS OF THE SEED, THE PRESENCE OF WEED SEEDS, MIXTURES, HERMETICALLY SEALED CONTAINERS, COATED SEEDS, CROP SEEDS, GENETICALLY ENGINEERED MATERIAL, GENETICALLY ENGINEERED PLANT PARTS, HYBRIDS, GERMINATION MEDIUM AND PRE-PLANTED CONTAINERS.

S 5. This act shall take effect on the sixtieth day after it shall have become a law.