

5116

2015-2016 Regular Sessions

I N A S S E M B L Y

February 12, 2015

Introduced by M. of A. ABINANTI -- 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:

1 Section 1. The agriculture and markets law is amended by adding a new
2 article 26-C to read as follows:

3 ARTICLE 26-C
4 GENETICALLY MODIFIED CROPS

5 SECTION 420. LEGISLATIVE FINDINGS.

6 421. DEFINITIONS.

7 422. PLANTING OF CROPS.

8 423. MARKETING PLAN.

9 S 420. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS THAT GENETICALLY
10 MODIFIED CROPS POSE RISKS OF UNKNOWN DIMENSION TO HUMAN HEALTH AND THE
11 ENVIRONMENT, AND THAT DRAMATIC INCREASES IN THE PLANTING AND CONSUMPTION
12 OF SUCH CROPS OVER THE PAST SEVERAL YEARS HAVE FAR OUTPACED OUR UNDER-
13 STANDING OF THEIR IMMEDIATE AND LONG-TERM EFFECTS. FURTHERMORE, BECAUSE
14 THE EXCHANGE OF GENETIC MATERIAL BETWEEN GENETICALLY MODIFIED CROPS AND
15 CONVENTIONAL CROPS, WILD PLANTS, AND ORGANISMS IS KNOWN TO OCCUR, GENET-
16 ICALLY MODIFIED MATERIAL AND ANY ADVERSE CHARACTERISTICS IT CONFERS OR
17 PROMOTES CAN BE IRREVOCABLY DISPERSED INTO THE WIDER ENVIRONMENT. THE
18 LIST OF POTENTIAL HAZARDS OF CONCERN INCLUDES BUT IS NOT LIMITED TO: THE
19 DEVELOPMENT OF INSECT AND WEED RESISTANCE TO PESTICIDES; INJURY OR DEATH
20 OF NON-TARGET SPECIES; CROP LOSS FROM SEEDS THAT DO NOT YIELD AS
21 EXPECTED OR THAT PRODUCE CROPS WITH UNEXPECTED CHARACTERISTICS; AND
22 ALLERGENICITY, TOXICITY, OR DECREASED NUTRITIONAL VALUE OF GENETICALLY
23 MODIFIED CROPS. THE LEGISLATURE FURTHER FINDS THAT FOODS PRODUCED FROM
24 GENETICALLY MODIFIED CROPS ARE INCREASINGLY BEING REJECTED BY DISTRIBUTORS

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

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

14 S 421. DEFINITIONS. AS USED IN THIS ARTICLE "GENETICALLY MODIFIED
15 CROPS" SHALL MEAN CROPS PRODUCED FROM PLANT VARIETIES CREATED USING
16 TECHNIQUES THAT ALTER THE MOLECULAR OR CELL BIOLOGY OF AN ORGANISM BY
17 MEANS THAT ARE NOT POSSIBLE UNDER NATURAL CONDITIONS OR PROCESSES.
18 GENETIC MODIFICATION SHALL INCLUDE RECOMBINANT DNA, CELL FUSION, MICRO-
19 AND MACRO-ENCAPSULATION, GENE DELETION AND DOUBLING, INTRODUCTION OF A
20 FOREIGN GENE, AND GENE REPOSITIONING. IT SHALL NOT INCLUDE CROP BREED-
21 ING, CONJUGATION, FERMENTATION, HYBRIDIZATION, AND TISSUE CULTURE.

22 S 422. PLANTING OF CROPS. NO GENETICALLY MODIFIED CROPS MAY BE PLANTED
23 OR GROWN IN THE STATE FOR A PERIOD OF FIVE YEARS AFTER THE EFFECTIVE
24 DATE OF THIS ARTICLE. THIS SECTION SHALL NOT APPLY TO PLANTING AND GROW-
25 ING GENETICALLY MODIFIED CROPS SOLELY FOR THE PURPOSE OF CONDUCTING
26 RESEARCH AND NOT FOR SALE, USE OR CONSUMPTION BY THE PUBLIC. GROWING AND
27 PLANTING OF GENETICALLY MODIFIED CROPS FOR RESEARCH PURPOSES SHALL BE IN
28 AN ENCLOSED FACILITY OR ON AN OUTDOOR PLOT OF LAND NOT MORE THAN FIVE
29 ACRES AT LEAST SIX HUNDRED SIXTY FEET FROM ANY OTHER PLOT USED FOR THE
30 PLANTING AND GROWING OF CROPS. NO ONE LOCATION SHALL EXCEED A COMBINED
31 TOTAL OF TEN ACRES OF LAND FOR PLANTING AND GROWING OF GENETICALLY MODI-
32 FIED CROPS.

33 S 423. MARKETING PLAN. THE DEPARTMENT SHALL PREPARE A MARKETING PLAN
34 THAT USES THE MORATORIUM AS A PROMOTIONAL TOOL FOR NEW YORK STATE AGRI-
35 CULTURAL PRODUCTS.

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