

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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Introduced by M. of A. ABINANTI, KEARNS -- read once and referred to the  
Committee on Judiciary

AN ACT to amend the general obligations law, in relation to genetically  
modified organisms

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

1     Section 1. The general obligations law is amended by adding a new  
2     section 9-107 to read as follows:  
3     S 9-107. GENETICALLY ENGINEERED OR GENETICALLY MODIFIED ORGANISMS;  
4     AFFIRMATIVE DEFENSE. ANY PARTY WHO IS SUED FOR DAMAGES FOR VIOLATION OF  
5     A PATENT, TRADEMARK, OR OTHER INTELLECTUAL PROPERTY RIGHTS ON THE GROUND  
6     THAT THE PARTY POSSESSED OR USED SEEDS OR PLANTS THAT CONTAINED GENET-  
7     ICALLY ENGINEERED OR GENETICALLY MODIFIED ORGANISMS WITHOUT ENTERING  
8     INTO AN AGREEMENT OR PAYING FEES TO THE MANUFACTURER OR LICENSED  
9     DISTRIBUTOR OF SUCH GENETICALLY ENGINEERED OR GENETICALLY MODIFIED  
10    ORGANISMS SHALL HAVE AN AFFIRMATIVE DEFENSE AGAINST ANY LIABILITY IF THE  
11    PARTY SHALL SHOW THAT HE OR SHE DID NOT KNOWINGLY AND INTENTIONALLY  
12    INTRODUCE THE GENETICALLY ENGINEERED OR GENETICALLY MODIFIED ORGANISMS  
13    INTO HIS OR HER PLANTS OR SEEDS OR ONTO HIS OR HER PROPERTY AND HE OR  
14    SHE DID NOT KNOWINGLY GAIN FROM THE DISTINCTIVE TRAITS DUE TO GENETIC  
15    MODIFICATION OR GENETIC ENGINEERING.  
16    S 2. This act shall take effect immediately.

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

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