

JAN 19 2007

---

---

## A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION OF AGRICULTURE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 **"CHAPTER**

5 **GENETICALLY ENGINEERED PLANT LIFE**

6 § -1 **Written instructions.** With respect to genetically  
7 engineered plants, plant parts, or seeds sold or distributed in  
8 the State for use in research, agricultural, horticultural,  
9 forestry, or other purposes in Hawaii, the manufacturer of any  
10 genetically engineered plants, plant parts, or seeds that  
11 present a risk of cross pollination or cross contamination shall  
12 provide written instructions to all growers about how to plant  
13 the plants, plant parts, or seeds and grow and harvest the crop  
14 to avoid cross pollination or other contamination with plants of  
15 nongenetically engineered origin. The instructions shall  
16 include but not be limited to the establishment of adequate  
17 buffer zones between the genetically engineered plants and wild



1 or cultivated plants subject to the risk of cross pollination or  
2 cross contamination. Requirements for following the  
3 instructions shall be incorporated into written contracts  
4 between manufacturers of genetically engineered plants, plant  
5 parts, or seeds and growers of such items in the State. Copies  
6 of all executed contracts between manufacturers and growers in  
7 the State subject to this chapter shall be filed with the  
8 department of agriculture and a private monitoring organization  
9 no later than twenty days following the sale of the plant  
10 products.

11 § -2 **Liability.** A manufacturer that violates section  
12 -1 shall be strictly liable in tort to any agricultural  
13 grower and to the State for harm to natural resources, for the  
14 costs of restoration, and for any damages due to cross  
15 pollination or cross contamination of nongenetically engineered  
16 plants by genetically engineered plants. This section shall not  
17 be construed to limit any liability of the manufacturer or any  
18 grower under any cause of action not based upon this section.  
19 This section shall not be subject to waiver by agreement or  
20 otherwise.

21 § -3 **Surety.** No genetically engineered plants, plant  
22 parts, or seeds that present a risk of cross pollination or



1 cross contamination shall be distributed or grown in the State,  
2 unless the manufacturer of the products furnishes the department  
3 of agriculture and a private monitoring organization a good and  
4 sufficient surety bond in the amount of \$25,000,000, executed by  
5 a surety company duly authorized to transact business in the  
6 State. A bond shall be taken for the sole benefit of any party,  
7 including the State, that has been awarded damages by a court in  
8 an action brought for damages, including harm to crops and  
9 natural resources and the costs of restoration resulting from  
10 cross pollination or cross contamination caused by any  
11 genetically engineered plant products produced by the  
12 manufacturer posting the bond."

13 SECTION 2. This Act shall take effect upon its approval.

14

INTRODUCED BY:

*[Handwritten Signature]*  
*by request*



**Report Title:**

Protection Against Genetically Engineered Plant Life

**Description:**

Provides for procedures to protect nongenetically engineered plant life from their genetically engineered counterparts. Establishes the liability of manufacturers and growers of genetically engineered plants, plant parts, or seeds.

