

STAND. COM. REP. NO. 265

Honolulu, Hawaii

Feb 9, 2007

RE: H.B. No. 1048
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 1048 entitled:

"A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED CROPS,"

begs leave to report as follows:

The purpose of this bill is to ensure that the food supply, the health of Hawaii's residents and visitors, the health of its unique and sensitive ecosystems, and its economy are protected from accidental exposure to genetically modified crops.

Specifically, this bill prohibits the testing, propagation, cultivation, raising, or growing of biopharmaceutical crops in the State including any laboratory or research work. The bill requires the Department of Agriculture to adopt rules to enforce the prohibitions. The bill further defines the terms "biopharmaceutical crops", "genetically modified", "person", and "recombinant DNA technology".

Your Committee received testimony in support of this bill from Earthjustice, Hawaii Organic Farmers Association, Union of Concerned Scientists, Center for Food Safety, Salk Institute of Biological Studies, Waikiki Hawaiian Civic Club, and thirty-one individuals. Testimony in opposition was submitted by the Department of Agriculture, University of Hawaii, Hawaii Agriculture Research Center, Hawaii Farm Bureau, Hawaii Crop Improvement Association, Hawaii Science and Technology Council, and Biotechnology Industry Association. Your Committee notes that

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testimony submitted in support almost universally described the bill as a "moratorium" rather than a "ban" or "prohibition" on the testing or growing of genetically modified crops.

Upon further consideration, your Committee has amended this bill by:

- (1) Adding a new section 1 to the bill containing findings and language to elaborate on the purpose of the bill;
- (2) Clarifying that the prohibitions relating to biopharmaceutical crops is on the use of *food crops*, as opposed to other types of crops;
- (3) Allowing biopharmaceutical crops using *nonfood crops* to be tested, etc. but only in indoor laboratories employing adequate biosafety protocols;
- (4) Clarifying that the Department of Agriculture is required to adopt rules in accordance with chapter 91, (the Administrative Procedure Act) Hawaii Revised Statutes;
- (5) Adding a definition of "food crop"; and
- (6) Making technical nonsubstantive amendments for the purposes of clarity and drafting convention.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1048, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1048, H.D. 1, and be referred to the Committee on Agriculture.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



HERMINA MORITA, Chair



