

House Amendment 1160

PAG LIN

1 1 Amend House File 611 as follows:
1 2 #1. Page 4, by inserting after line 23 the
1 3 following:
1 4 <Sec. _____. Section 199.1, Code 2003, is amended by
1 5 adding the following new subsections:
1 6 NEW SUBSECTION. 5A. "Contamination" means the
1 7 unintended presence of a plant or plant part
1 8 transferred from an originating area to an area
1 9 without the presence of the plant or plant part that
1 10 alters the genetic characteristics of a plant.
1 11 NEW SUBSECTION. 5B. "Crop" means any plant
1 12 produced from an agricultural seed or vegetable seed,
1 13 or any harvested part of the plant.
1 14 NEW SUBSECTION. 6A. "Field" means an originating
1 15 field or a neighboring field.
1 16 NEW SUBSECTION. 6B. "Genetically modified" means
1 17 to alter the genetic characteristics of a plant by
1 18 modifying the deoxyribonucleic acid of the plant's
1 19 seed in a manner other than by breeding or
1 20 pollination.
1 21 NEW SUBSECTION. 19A. "Seed dealer" means a person
1 22 who sells or offers for sale agricultural seed or
1 23 vegetable seed to persons on a retail basis.
1 24 NEW SUBSECTION. 19B. "Seed labeler" means a
1 25 person required to label agricultural seed or
1 26 vegetable seed as provided in section 199.3 or 199.4.
1 27 Sec. _____. Section 199.3, subsection 1, Code 2003,
1 28 is amended by adding the following new paragraph:
1 29 NEW PARAGRAPH. f. The label shall include an
1 30 identification of genetically modified agricultural
1 31 seed or vegetable seed included in the container. If
1 32 the agricultural seed or vegetable seed is genetically
1 33 modified, the label shall comply with sections 199.22
1 34 and 199.23.
1 35 Sec. _____. Section 199.8, Code 2003, is amended by
1 36 adding the following new subsection:
1 37 NEW SUBSECTION. 4. A person shall not sell, offer
1 38 for sale, or expose for sale agricultural seed or
1 39 vegetable seed that has been genetically modified, if
1 40 the person has represented that that agricultural seed
1 41 or vegetable seed is not genetically modified.
1 42 Sec. _____. Section 199.13, Code 2003, is amended to
1 43 read as follows:
1 44 199.13 PENALTY.
1 45 1. a. A violation of person who violates this
1 46 chapter is guilty of a simple misdemeanor.
1 47 b. A person who violates subchapter 2 is subject
1 48 to a civil penalty of not more than one thousand
1 49 dollars. Civil penalties collected under this
1 50 paragraph shall be deposited in the general fund of
2 1 the state.
2 2 2. The department may institute criminal or civil
2 3 proceedings in a court of competent jurisdiction in
2 4 order to enforce this chapter. When in the
2 5 performance of the secretary's department's duties in
2 6 enforcing this chapter the secretary department
2 7 applies to a court for a temporary or permanent
2 8 injunction restraining a person from violating or
2 9 continuing to violate any of the provisions of this
2 10 chapter or rules adopted under this chapter, the
2 11 injunction is to be issued without bond and the person
2 12 restrained by the injunction shall pay the costs made
2 13 necessary by the procedure.
2 14 SUBCHAPTER 2
2 15 GENETICALLY MODIFIED AGRICULTURAL SEED
2 16 Sec. _____. NEW SECTION. 199.21 APPLICABILITY.
2 17 The department, in consultation with the attorney
2 18 general, shall provide an exception from a requirement
2 19 in this subchapter as applied to any type of
2 20 genetically modified agricultural seed or genetically
2 21 modified vegetable seed that is sold or offered for

2 22 sale or transported in this state, if the department
2 23 determines that the requirement as applied to that
2 24 type of agricultural seed or vegetable seed has been
2 25 preempted by federal statute or regulation. The
2 26 department shall establish the exceptions by rule
2 27 adopted pursuant to chapter 17A. If an exception is
2 28 not provided for by rule, the department shall
2 29 establish the exception by declaratory order as
2 30 provided in section 17A.9, upon receipt of a petition
2 31 as provided for in that section.

2 32 Sec. ____ NEW SECTION. 199.22 NOTICE

2 33 REQUIREMENTS.

2 34 1. A seed labeler shall provide notice of an
2 35 agricultural seed or vegetable seed that is
2 36 genetically modified on the label of a container
2 37 holding the agricultural seed or vegetable seed as
2 38 provided in section 199.3 or on a placard as provided
2 39 in section 199.4. A seed dealer shall provide the
2 40 same notice in a disclosure statement to a person
2 41 purchasing the agricultural seed or vegetable seed on
2 42 a retail basis prior to or at the time of the
2 43 purchase. The disclosure statement may be contained
2 44 on a separate form or part of an invoice or bill of
2 45 sale evidencing a transaction. The seed dealer shall
2 46 not sell agricultural seed or vegetable seed that has
2 47 been genetically modified, unless the purchaser signs
2 48 the disclosure statement acknowledging that the
2 49 purchaser has read the statement. The seed dealer
2 50 shall maintain a copy of the acknowledged disclosure
3 1 statement as part of the seed dealer's business
3 2 records.

3 3 2. The form of the disclosure statement shall be
3 4 prescribed by rules adopted by the department. The
3 5 notice shall appear in a printed bold-faced font in at
3 6 least ten point type. The notice shall appear in the
3 7 following form:

3 8 NOTICE
3 9 GENETICALLY MODIFIED AGRICULTURAL OR
3 10 VEGETABLE SEED

3 11 This agricultural or vegetable seed is genetically
3 12 modified. Please consult the label appearing on this
3 13 package or the pamphlet required to be attached to the
3 14 container or accompanying the bulk sale of
3 15 agricultural or vegetable seed, regarding important
3 16 production information, including possible
3 17 restrictions, about the production and marketing of a
3 18 crop grown from this agricultural or vegetable seed.

3 19 Sec. ____ NEW SECTION. 199.23 PRODUCTION
3 20 INFORMATION REQUIREMENTS.

3 21 1. A seed labeler shall provide production
3 22 information for agricultural seed or vegetable seed
3 23 that has been genetically modified as required in this
3 24 section to the extent that the production information
3 25 is known by the seed labeler. The production
3 26 information shall appear on the label as provided in
3 27 section 199.3 or in a pamphlet attached to the
3 28 container or accompanying agricultural seed or
3 29 vegetable seed that is sold in bulk as provided in
3 30 section 199.4. A seed dealer shall not sell
3 31 agricultural seed or vegetable seed that the seed
3 32 labeler identifies as genetically modified, unless the
3 33 seed dealer provides the purchaser of agricultural
3 34 seed or vegetable seed with the production
3 35 information. The production information shall include
3 36 all of the following:

3 37 a. A brief description of the consequences of the
3 38 genetic modification, including but not limited to any
3 39 consequences affecting hardiness, growth rate, yield,
3 40 resistance, adaptability, appearance, or intrinsic
3 41 qualities such as oil content.

3 42 b. Sound management practices required to minimize
3 43 the risk of transferring gene characteristics to other
3 44 varieties of plants. The sound management practices
3 45 shall consist of requirements for planting
3 46 agricultural seed or vegetable seed that has been
3 47 genetically modified and methods to maintain the
3 48 separated area in order to prevent a significant risk
3 49 of contamination occurring from any of the following:

3 50 (1) The transfer of gene characteristics to crops
4 1 planted on a neighboring field by pollination,
4 2 including the pollination of crops or the pollination

4 3 of other related plants inhabiting the neighboring
4 4 field.

4 5 (2) The transfer of agricultural seed or vegetable
4 6 seed that has been genetically modified to a
4 7 neighboring field.

4 8 c. A notice, if necessary, regarding any financial
4 9 risks associated with marketing the crop, including
4 10 but not limited to restrictions regarding all of the
4 11 following:

4 12 (1) The handling and storage of the crop,
4 13 including segregation requirements.

4 14 (2) The sale of the crop in domestic and foreign
4 15 markets, including import restrictions imposed by
4 16 other nations.

4 17 (3) The use of the crop, including restrictions
4 18 regarding human consumption of the crop or products
4 19 processed using the crop.

4 20 2. The language used in the production information
4 21 shall comply with standard rules of spelling, grammar,
4 22 punctuation, and usage. The production information
4 23 shall be printed in a type size of not less than ten
4 24 points. The production information shall use terms
4 25 that are commonly understood by a reasonable person of
4 26 average intelligence, education, and experience who
4 27 regularly produces crops originating from the same
4 28 type of agricultural seed or vegetable seed that has
4 29 been genetically modified that the person is
4 30 purchasing.

4 31 Sec. ____ NEW SECTION. 199.24 FOOD CROPS NOT
4 32 APPROVED FOR HUMAN CONSUMPTION == COLOR-CODED SEEDS OR
4 33 SECURITY PLAN.

4 34 1. As used in this section, "designated seed"
4 35 means agricultural seed or vegetable seed producing a
4 36 crop that may be processed into a food product, but is
4 37 not approved for human consumption by an agency of the
4 38 federal government, including but not limited to the
4 39 United States food and drug administration, because
4 40 the agricultural seed or vegetable seed is genetically
4 41 modified.

4 42 2. a. A person shall not sell, offer for sale, or
4 43 transport designated seed in this state, unless any of
4 44 the following applies:

4 45 (1) The designated seed is artificially colored
4 46 solid blaze orange.

4 47 (2) The department approves a security plan, or
4 48 amendments to an approved security plan, submitted by
4 49 the person producing a crop from designated seed,
4 50 according to rules adopted by the department. The
5 1 security plan shall provide for sound management
5 2 practices used to ensure that there is no risk of
5 3 contamination, and for harvesting, storing,
5 4 transporting, processing, marketing, and utilizing
5 5 crops or goods processed from those crops in a manner
5 6 that provides no risk that the crops or goods
5 7 processed from the crops will be utilized for human
5 8 consumption. The security plan shall be accompanied
5 9 by all necessary certifications by persons who will
5 10 harvest, store, transport, process, or market the crop
5 11 or goods processed from the crop, as required by the
5 12 department. The department may approve amendments to
5 13 the security plan.

5 14 b. A person shall not sell, offer for sale, or
5 15 transport agricultural seed or vegetable seed in this
5 16 state that is artificially colored solid blaze orange,
5 17 unless it is designated seed. A person shall not
5 18 knowingly use management practices, or harvest, store,
5 19 transport, process, or market crops or goods processed
5 20 from those crops in violation of the security plan.

5 21 Sec. ____ NEW SECTION. 199.25 LIABILITY.

5 22 1. a. A person who produces a crop produced from
5 23 agricultural seed or vegetable seed that is
5 24 genetically modified shall not be found liable for
5 25 damages caused by contamination, if the crop is
5 26 produced in accordance with sound management practices
5 27 as provided in section 199.23.

5 28 b. A seed dealer who sells agricultural seed or
5 29 vegetable seed in compliance with sections 199.23 and
5 30 199.24 shall not be found liable for damages caused by
5 31 contamination.

5 32 c. A seed labeler shall be strictly liable for
5 33 damages caused by contamination, if a person who

5 34 produces a crop originating from genetically modified
5 35 agricultural seed or vegetable seed complies with
5 36 sound management practices provided by the seed
5 37 labeler as required pursuant to section 199.23.
5 38 2. A person who is liable for damages caused by
5 39 the contamination shall be subject to punitive
5 40 damages.
5 41 Sec. _____. DIRECTIONS TO CODE EDITOR. The Code
5 42 editor shall organize chapter 199 in conformance with
5 43 this Act. The Code editor shall transfer sections
5 44 199.11 through 199.14 into a new subchapter 3.
5 45 Sec. _____. EFFECTIVE DATES. The amendments to
5 46 sections 199.1, 199.3, 199.8, and 199.13, and sections
5 47 199.21, 199.22, 199.23, 199.24, and 199.25, as enacted
5 48 in this Act, take effect on September 1, 2003.>
5 49 #2. Title page, line 1, by striking the word
5 50 <and>.
6 1 #3. Title page, line 3, by inserting after the
6 2 word <assistance> the following: <, and providing for
6 3 penalties and an effective date>.
6 4 #4. By renumbering as necessary.
6 5
6 6
6 7
6 8 _____
6 9 KUHN of Floyd
6 10
6 11
6 12 _____
6 13 WHITAKER of Van Buren
6 14 HF 611.701 80
6 15 da/cl