

JAN 10 2000  
Agriculture

HOUSE FILE 2013  
BY CARROLL

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act reguliating genetically modified yellow hilum soybeans and  
2 providing a penalty and an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2013

1 Section 1. Section 22.7, Code Supplement 1999, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 39. The information contained in a  
4 registration required for the genetic engineering of yellow  
5 hilum soybeans as provided in section 199A.3.

6 Sec. 2. Section 199.3, Code 1999, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 7. A person distributing seed used to  
9 produce genetically engineered yellow hilum soybeans shall  
10 include the notice required pursuant to section 199A.2 on the  
11 label.

12 Sec. 3. NEW SECTION. 199A.1 DEFINITIONS.

13 1. "Distribute" means to offer for sale, sell, hold out  
14 for sale, exchange, barter, supply, or furnish soybeans on a  
15 commercial basis.

16 2. "Genetic engineering" means to alter the genetic  
17 characteristics of a seed or plant by modifying the  
18 deoxyribonucleic acid of the seed or a plant in a manner other  
19 than by breeding.

20 3. "Sale" or "sell" means a commercial transfer or offer  
21 for sale and distribution in any manner.

22 4. "Seed labeler" means a person required to label seed as  
23 provided in section 199.3 or 199.4.

24 5. "Yellow hilum soybean" means any variety of soybean  
25 which has a white, yellow, or clear hilum, including any  
26 soybean commonly referred to as a "yellow hilum soybean", a  
27 "white hilum soybean", or a "clear hilum soybean", as  
28 designated by rules adopted by the department pursuant to  
29 section section 199A.4.

30 Sec. 4. NEW SECTION. 199A.2 GENETIC MODIFICATION OF  
31 YELLOW HILUM SOYBEANS -- REGISTRATION REQUIRED.

32 1. A person shall not engage in the genetic engineering of  
33 yellow hilum soybeans, unless the person registers with the  
34 department as provided in this section.

35 a The person shall register with the department each year

1 in a manner and on forms prescribed by the department. The  
2 registration shall include a description of the type of  
3 genetic engineering conducted and the purpose of the genetic  
4 engineering.

5 3. The registration information is not required to contain  
6 a trade secret. The registration information is a  
7 confidential record as provided in section 22.7, except the  
8 attorney general may review the information and take  
9 appropriate action when necessary.

10 1. If the department determines that a registration  
11 application does not comply with the requirements of this  
12 chapter, the department shall notify the applicant of the  
13 department's determination and the reasons why the application  
14 fails to comply with the requirements of this chapter. The  
15 department shall provide the applicant with an opportunity to  
16 make the necessary corrections before resubmitting the  
17 application.

18 3. Information from registrations that does not identify a  
19 registrant shall be made available to members of the general  
20 assembly and appropriate committees of the general assembly  
21 upon request.

22 4. The department shall notify the office of attorney  
23 general when the department has reason to believe that a  
24 violation of this section has occurred.

25 Sec. 5. NEW SECTION. 199A.3 DISTRIBUTION OF GENETICALLY  
26 ENGINEERED YELLOW HILUM SOYBEANS.

27 1. A person shall not distribute seed for use in this  
28 state to produce genetically engineered yellow hilum soybeans.

29 2. A person, other than a person registered pursuant to  
30 section 199A.2, shall not knowingly produce genetically  
31 engineered yellow hilum soybeans. A person who purchases  
32 seed subject to the notice requirements of this section shall  
33 be presumed to have such knowledge.

34 3. a. A seed labeler shall not sell seed used to produce  
35 genetically engineered yellow hilum soybeans, unless the label

1 or placard required pursuant to section 199.3 or 199.4  
2 provides a notice in the following form:

3           GENETICALLY MODIFIED YELLOW HILUM SOYBEANS  
4       THESE YELLOW HILUM SOYBEANS HAVE BEEN GENETICALLY MODIFIED.  
5 IOWA CODE SECTION 199A.3 PROHIBITS A PERSON FROM GROWING  
6 SOYBEANS FROM THESE SEEDS IN IOWA OR SELLING THESE SEEDS FOR  
7 GROWING SOYBEANS IN IOWA. YOU ARE URGED TO CONSULT A LICENSED  
8 ATTORNEY.

9       b. The notice shall appear in black letters a minimum of  
10 one inch high.

11       Sec. 6. NEW SECTION. 199A.4 RULEMAKING.

12       The department shall adopt all rules necessary to  
13 administer this chapter including, but not limited to, rules  
14 regulating labeling, registration, and distribution of seeds  
15 used to produce genetically engineered yellow hilum soybeans.  
16 The rules shall classify varieties of soybeans that are yellow  
17 hilum soybeans governed under this chapter according to  
18 criteria established by the department in consultation with  
19 Iowa state university of science and technology. A violation  
20 of this chapter includes a violation of any rule adopted  
21 pursuant to this section as provided in chapter 17A.

22       Sec. 7. NEW SECTION. 199A.5 ENFORCEMENT.

23       In enforcing this chapter, the department may do any of the  
24 following:

25       1. Take disciplinary action concerning a registration  
26 required pursuant to section 199A.2. The department may  
27 suspend, cancel, or deny an application for registration. The  
28 disciplinary action must be based upon evidence satisfactory  
29 to the department that the registrant has violated this  
30 chapter.

31       2. Issue and enforce a stop sale, use, or removal order  
32 against the owner or distributor of any lot of seed used or  
33 distributed in violation of this chapter.

34       a. The order may require that the seed be held at a  
35 designated place until released by the department.

1        b. The department shall release the seed pursuant to a  
2 release order upon receiving satisfactory evidence that legal  
3 issues compelling the issuance of the stop sale, use, or  
4 removal order have been resolved and all expenses incurred by  
5 the department in connection with the seed's removal have been  
6 paid to the department.

7        3. Seize and dispose of any lot of seed which is not in  
8 compliance with the provisions of this chapter upon petition  
9 to the district court in the county or adjoining county in  
10 which the seed is located. The department shall, as provided  
11 in the court order, dispose of the seed in a manner consistent  
12 with the laws of this state. If the court finds that the seed  
13 has been distributed or used in violation of this chapter, the  
14 court may order the condemnation of the seed.

15        4. Apply to the district court in the county where a  
16 violation of this chapter occurs for a temporary or permanent  
17 injunction restraining a person from violating or continuing  
18 to violate this chapter, notwithstanding the existence of  
19 other remedies at law. The injunction shall be issued without  
20 a bond.

21        This section does not require the department to institute a  
22 proceeding for a minor violation if the department concludes  
23 that the public interest will be best served by a suitable  
24 written warning.

25        Sec. 8. NEW SECTION. 199A.6 VIOLATIONS.

26        1. A person violating a provision of this chapter is  
27 subject to a civil penalty of not more than ten thousand  
28 dollars.

29        2. If, after a departmental investigation, it appears that  
30 a person is in violation of this chapter, the department shall  
31 notify the person of the violation and provide the person with  
32 an opportunity to be heard under rules adopted by the  
33 department consistent with chapter 17A contested case  
34 proceedings.

35        3. If, after a hearing, the department determines that a

1 violation has occurred, the department may report the  
2 violation to the attorney general or the appropriate county  
3 attorney for prosecution. The report shall include a  
4 certified copy of evidence presented during the hearing. This  
5 section does not require the department to report a minor  
6 violation for prosecution if the department concludes that the  
7 public interest will be best served by a suitable written  
8 warning.

9 4. A county attorney who receives a report of a violation  
10 from the department shall institute and prosecute the case in  
11 district court without delay.

12 Sec. 9. NEW SECTION. 199A.7 REPEAL.

13 This chapter is repealed on July 1, 2003.

14 Sec. 10. FUTURE CORRESPONDING CHANGES -- EFFECTIVE DATE.

15 1. a. Section 22.7, subsection 39, as enacted by this  
16 Act, is amended by striking the subsection.

17 b. Section 199.3, subsection 7, as enacted by this Act, is  
18 amended by striking the subsection.

19 2. This section takes effect on July 1, 2003.

20 EXPLANATION

21 This bill regulates the genetic engineering of yellow hilum  
22 soybeans. According to the bill, a soybean has been  
23 genetically altered if the deoxyribonucleic acid of the seed  
24 or plant has been modified in a manner other than by breeding.

25 The bill prohibits a person from engaging in the genetic  
26 engineering of yellow hilum soybeans, unless the person  
27 registers with the department of agriculture and land  
28 stewardship. The registration information is a confidential  
29 record under the public records law codified in Code chapter  
30 22.

31 The bill prohibits a person from distributing seed for use  
32 in this state to produce genetically engineered yellow hilum  
33 soybeans. A person, other than a person registered under the  
34 bill is prohibited from producing genetically engineered  
35 yellow hilum soybeans. A person required to label seed must

1 provide a notice on the label that the yellow hilum soybeans  
2 have been genetically modified.

3 The department of agriculture and land stewardship is  
4 responsible for enforcing the bill's provisions. The  
5 department may issue and enforce a stop sale, use, or removal  
6 order. The department may apply to district court for a  
7 temporary or permanent injunction. A person violating a  
8 provision of the bill is subject to a civil penalty of not  
9 more than \$10,000. The provisions of the bill are repealed on  
10 July 1, 2003.

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