

# Senate Study Bill 1048

## Bill Text

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1 1 Section 1. Section [199.1](#), Code 2001, is amended by adding  
1 2 the following new subsections:

1 3 NEW SUBSECTION. 6A. "Genetically modified" means to alter  
1 4 the genetic characteristics of a crop by modifying the  
1 5 deoxyribonucleic acid of the crop's agricultural seed in a  
1 6 manner other than by breeding or pollination.

1 7 NEW SUBSECTION. 6B. "Grain" means the same as defined in  
1 8 section 203.1.

1 9 NEW SUBSECTION. 6C. "Grain crop" means a plant produced  
1 10 from agricultural seed.

1 11 NEW SUBSECTION. 19A. "Seed labeler" means a person  
1 12 required to label seed as provided in section 199.3 or 199.4.

1 13 Sec. 2. Section [199.3](#), subsection 1, Code 2001, is amended  
1 14 by adding the following new paragraph:

1 15 NEW PARAGRAPH. f. If the seed is a genetically modified  
1 16 agricultural seed, the label shall state the sound management  
1 17 practices necessary to produce a genetically modified grain  
1 18 crop in accordance with section 199.7A.

1 19 Sec. 3. NEW SECTION. 199.7A GENETICALLY MODIFIED  
1 20 AGRICULTURAL SEED SOUND MANAGEMENT PRACTICES LIABILITY.

1 21 1. As used in this section:

1 22 a. "Contamination" means the unintended presence of a  
1 23 plant or plant part transferred from an originating field to  
1 24 an area without the presence of the plant or plant part that  
1 25 alters the genetic characteristics of a plant.

1 26 b. "Designated crop" means a designated genetically  
1 27 modified grain crop, as provided in this section.

1 28 c. "Field" means an originating field or a neighboring  
1 29 field.

1 30 d. "Neighboring field" means the property adjoining an  
1 31 originating field that is owned by a person other than the  
1 32 person who owns the originating field.

1 33 e. "Originating field" means the property where  
1 34 genetically modified agricultural seed has been planted.

1 35 2. A seed labeler shall develop sound management practices  
2 1 for producing a designated genetically modified grain crop. A  
2 2 designated genetically modified grain crop is a grain crop  
2 3 that originates from genetically modified agricultural seed,  
2 4 that the seed labeler sells or offers for sale, and that on  
2 5 December 1 of the previous year meets any of the following  
2 6 criteria:

2 7 a. Any grain produced from the genetically modified grain  
2 8 crop or any food manufactured from that grain was prohibited  
2 9 from sale or use for human consumption by the United States  
2 10 food and drug administration.

2 11 b. All nations that imported a total of ten percent or  
2 12 more of grain produced from a specific species of grain crop  
2 13 prohibited the import of grain produced from that same species  
2 14 of grain crop because it was genetically modified.

2 15 3. The sound management practices required for a  
2 16 designated crop shall consist of requirements for planting  
2 17 genetically modified agricultural seed on an originating field  
2 18 a minimum distance from the boundary of a neighboring field  
2 19 and methods to maintain the separated area in order to prevent  
2 20 a significant risk of contamination occurring from any of the  
2 21 following:

2 22 a. The transfer of gene characteristics to crops planted  
2 23 on a neighboring field by pollination, including the  
2 24 pollination of crops or the pollination of other related  
2 25 plants inhabiting the neighboring field.

2 26 b. The transfer of genetically modified agricultural seed  
2 27 to a neighboring field.

2 28 For property that includes a road right-of-way, railroad  
2 29 right-of-way, or an access easement, the property's boundary  
2 30 line shall not be the boundary line of the right-of-way or  
2 31 easement.

2 32 4. a. A person who produces a designated crop shall not  
2 33 be found to be liable for damages caused by the contamination  
2 34 of another person's property, if the designated crop is  
2 35 produced in accordance with sound management practices as  
3 1 provided on the label for the agricultural seed's container  
3 2 pursuant to section 199.3.

3 3 b. A seed labeler shall be strictly liable for damages  
3 4 caused by the contamination of a person's property, if a  
3 5 person who produces a designated crop on an originating field  
3 6 complies with sound management practices developed by the seed  
3 7 labeler as provided on the label for the agricultural seed's  
3 8 container pursuant to section 199.3.

3 9 EXPLANATION

3 10 This bill provides for the contamination of genetic  
3 11 material originating from genetically modified agricultural  
3 12 seeds to other property. The bill applies to certain  
3 13 designated grain crops which have been genetically modified.

3 14 In order to be classified as a designated genetically  
3 15 modified grain crop, the crop must originate from genetically  
3 16 modified agricultural seed and on December 1 of the previous  
3 17 year the crop's grain cannot be used for human consumption  
3 18 according to the United States food and drug administration,  
3 19 and the grain must be barred by import by 90 percent of all  
3 20 nations that import grain from the same species of grain crop  
3 21 according to the United States department of agriculture.

3 22 The bill provides that a person required to label the seed  
3 23 (referred to as the "seed labeler") must develop sound  
3 24 management practices for producing the designated crop. The  
3 25 practices must consist of requirements for planting  
3 26 genetically modified agricultural seed a minimum distance from  
3 27 the boundary of a neighboring field and methods to maintain  
3 28 the separated area in order to prevent a significant risk of  
3 29 contamination either by pollination or seed dispersal.

3 30 The bill provides that a person who produces a designated  
3 31 crop shall not be found to be liable for damages caused by the  
3 32 contamination of another person's property, if the crop is  
3 33 produced in accordance with the seed labeler's sound  
3 34 management practices. It provides that a seed labeler shall  
3 35 be strictly liable for damages caused by the contamination of  
4 1 a person's property, if a person who produces a designated  
4 2 crop on an originating field complies with the seed labeler's  
4 3 sound management practices as provided on the label.

4 4 A person violating Code chapter 199 is guilty of a simple  
4 5 misdemeanor.

4 6 LSB 1667XC 79

4 7 da/cls/14.4