
A BILL FOR AN ACT

RELATING TO GENETIC ENGINEERING.

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

1 SECTION 1. The legislature finds that the economic health
2 of Hawaii's agricultural sector is critical to the overall
3 health of Hawaii's economy. Hawaii's agricultural industry's
4 contribution to the State's economy depends in major part on the
5 outstanding reputation of Hawaii's farmers and their
6 agricultural products.

7 Growth in genetically modified agricultural production,
8 which uses genetic engineering to produce agricultural products,
9 has been swift and pervasive throughout the nation. The quick
10 acceptance of the new technology by American farmers may,
11 however, pose serious consequences for conventional agriculture,
12 consequences that scientists do not yet fully understand. Those
13 consequences have created doubt within the farming community and
14 Congress about the wisdom of growing genetically modified
15 agricultural products.

16 The greatest potential harm of genetically modified crops
17 is that the use of genetically modified seeds and plants by a



1 farmer could unintentionally alter the crops being produced by a
2 neighboring farmer or alter other plants or animals, including
3 insects and microorganisms that interact with domestic crops, as
4 well as plants and animals within the natural environment.

5 There is no practical way of safeguarding against this
6 risk, other than abstaining from the use of genetically modified
7 material. The effect on the United States economy is
8 significant. China recently rejected 545,000 tons of imported
9 United States corn found to contain an unapproved genetically
10 modified strain, according to a December 20, 2013, Associated
11 Press article.

12 In Hawaii, the counties of Kauai, Hawaii, and Maui recently
13 adopted ordinances to restrict the growing of genetically
14 modified organisms. As reported in an Associated Press article
15 on August 25, 2014, a federal judge ruled that the county of
16 Kauai ordinance is preempted by state law and, therefore,
17 invalid. On November 14, 2014, the Associated Press reported
18 that a federal judge is preventing implementation of the county
19 of Maui ordinance, which was approved by voters in the 2014
20 general election, pending a lawsuit brought by Monsanto Co. and
21 Dow Chemical Co. On November 26, 2014, Honolulu Civil Beat



1 reported that the county of Hawaii ordinance had also been
2 invalidated by a federal judge due to preemption by state law.
3 Currently, there is no ban or partial ban of genetically
4 modified organisms in effect in the State of Hawaii.

5 In light of the great uncertainty surrounding the safety of
6 emerging biotechnologies and their effects upon human health,
7 government must respond in a rational and compassionate way.
8 The "precautionary principle," while not a new concept, has
9 gained acceptance in Europe and within the scientific community.
10 Perhaps the best known formulation of this principle within the
11 scientific community is the Wingspread Statement, which states
12 in pertinent part: "Therefore, it is necessary to implement the
13 Precautionary Principle: When an activity raises threats of harm
14 to human health or the environment, precautionary measures
15 should be taken even if some cause and effect relationships are
16 not fully established scientifically." In this context, the
17 proponent of an activity, rather than the public, should bear
18 the burden of proof. When government faces a decision regarding
19 the introduction of technologies where the health and safety
20 consequences to the public are unknown, the precautionary
21 principle provides that precautionary measures should be taken,



1 even if the risk to the public is uncertain, to mitigate
2 possible negative consequences.

3 The purpose of this Act is to require the department of
4 agriculture to adopt the precautionary principle to anticipate,
5 prevent, or minimize the adverse effects of biotechnology and
6 genetic engineering.

7 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§141- Precautionary principle; genetic engineering.
11 The department of agriculture shall take precautionary measures
12 to anticipate, prevent, or minimize the adverse effects of
13 biotechnology and genetic engineering. Where there are threats
14 of serious or irreversible damage, lack of full scientific
15 certainty should not be used as a reason for postponing the
16 application of precautionary measures, taking into account that
17 policies and measures should be at the lowest reasonable cost.
18 To achieve this, policies and measures should take into account
19 different socioeconomic contexts, be comprehensive, cover all
20 relevant sources, and comprise all agricultural sectors."

21 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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(By Request)

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H.B. NO. 1391

Report Title:

Genetic Engineering; Precautionary Principles

Description:

Mandates the Department of Agriculture to take precautionary measures to anticipate, prevent, or minimize the adverse effects of biotechnology and genetic engineering.

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