

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

SENATE BILL 318

5 By: Senators J. Taylor, Higginbothom
6 By: Representative Petrus
7
8

For An Act To Be Entitled

10 AN ACT TO PROHIBIT GROWING, RAISING, OR
11 CULTIVATING CERTAIN GENETICALLY ENGINEERED
12 PLANTS; TO IMPOSE A CIVIL PENALTY NOT LESS THAN
13 TWENTY-FIVE THOUSAND DOLLARS (\$25,000) NOR MORE
14 THAN ONE HUNDRED THOUSAND DOLLARS (\$100,000); TO
15 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
16

Subtitle

17 AN ACT TO PROHIBIT GROWING, RAISING, OR
18 CULTIVATING CERTAIN GENETICALLY
19 ENGINEERED PLANTS.
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21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 2, Chapter 15 is amended to add an
26 additional subchapter to read as follows:

27 2-15-201. Title.

28 This subchapter shall be known and may be cited as the "Arkansas
29 Genetically Engineered Crop Protection Act".
30

31 2-15-202. Definitions.

32 As used in this subchapter:

33 (1) "Genetically engineered" means plants developed through gene
34 splicing that contain inserted genetic material that:

35 (A) Is from unrelated species; and

36 (B) Would not occur naturally; and



1 (2)(A) "Pharmaceutical crop" means genetically engineered plants
 2 that contain human genes.

3 (B) "Pharmaceutical crop" does not mean a plant that is
 4 genetically engineered to produce:

5 (i) A greater or lesser quantity of a chemical or
 6 enzyme that naturally occurs in the plant; or

7 (ii) A chemical or enzyme that is recognized as safe
 8 by the Food and Drug Administration.

9
 10 2-15-203. Prohibition of pharmaceutical crops.

11 No person may grow, raise, transport, or cultivate a pharmaceutical
 12 crop:

13 (1) In an outdoor environment; or

14 (2) Using a plant species that is commonly grown for use as food
 15 for humans or animals.

16
 17 2-15-204. Administration.

18 (a) The State Plant Board shall administer and enforce this
 19 subchapter.

20 (b) The board shall promulgate rules to implement the purposes and
 21 requirements of this subchapter.

22 (c)(1) The board shall establish a Scientific Review Committee.

23 (2) The committee shall review and make recommendations to the
 24 board concerning all the issues raised in this subchapter, including but not
 25 limited to, the:

26 (A) Prohibitions under § 2-15-203;

27 (B) Licensing under § 2-15-205; and

28 (C) Penalties under § 2-15-206.

29
 30 2-15-205. Licensing.

31 (a) No genetically engineered plants or parts of plants may be
 32 distributed in the State of Arkansas in any manner or form unless licensed by
 33 the State Plant Board.

34 (b) Before any distribution in this state, all information and
 35 scientific data on genetically engineered plants or parts of plants shall be
 36 submitted to the board to determine compliance with this subchapter.

1 (c)(1) The board may license genetically engineered plants or parts of
 2 plants that the board finds to be in compliance with this subchapter.

3 (2) The board may charge a reasonable fee to cover the cost of:

4 (A) Analysis of genetically engineered plants or parts of
 5 plants submitted to the board under this subchapter; and

6 (B) Preparation and issuance of licenses under this
 7 section.

8
 9 2-15-206. Penalties.

10 (a)(1) The State Plant may impose a civil penalty for a violation of §
 11 2-15-203.

12 (2) The penalty shall not be less than twenty-five thousand
 13 dollars (\$25,000) nor more than one hundred thousand dollars (\$100,000).

14 (3) The board may consider each day of a continuing violation of
 15 § 2-15-203 to be a separate violation.

16 (b) In imposing a civil penalty under this section, the board shall
 17 consider the following factors:

18 (1) The gravity and magnitude of the violation, including, but
 19 not limited to, any actual or potential threat to the health, safety, or
 20 well-being of humans or animals;

21 (2) The amount of any benefit the violator realized from the
 22 violation; and

23 (3) The past history of the violator who incurs the penalty.

24 (c)(1) The board may bring an action in any court of competent
 25 jurisdiction to collect a penalty under this section if the board determines
 26 that the action is necessary to collect a civil penalty imposed under this
 27 section.

28 (2) The board is entitled to recover all attorney's fees, costs,
 29 and disbursements incurred by the board in bringing the collection action.

30
 31 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 32 General Assembly of the State of Arkansas that genetically engineered plants
 33 with human DNA inserted may soon be introduced into the State of Missouri;
 34 that this act is immediately necessary because the introduction of such
 35 plants in close proximity to Arkansas poses an immediate threat to the
 36 people. Therefore, an emergency is declared to exist and this act being

1 necessary for the preservation of the public peace, health, and safety shall
2 become effective on August 1, 2005.

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