

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

As Engrossed: S3/8/05
A Bill

SENATE BILL 318

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

9 **For An Act To Be Entitled**

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

17
18 **Subtitle**

19 AN ACT TO PROHIBIT GROWING, RAISING, OR
20 *CULTIVATING PHARMACEUTICAL RICE.*
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 Pharmaceutical Rice 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; or

36 (B) Would not occur naturally; and



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

3 (B) "Pharmaceutical rice" does not mean a rice plant that
4 is 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 generally
8 recognized as safe by the Food and Drug Administration.

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

11 No person may grow, raise, transport, or cultivate pharmaceutical rice
12 for commercial purposes:

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. Applicability.

10 The provisions of this subchapter do not apply to research conducted by
11 federal, state, or private entities, including institutions of higher
12 learning, that conform to and are in compliance with all state and federal
13 laws, rules, and regulations for laboratory management practices.

14
15 2-15-207. Penalties.

16 (a)(1) The State Plant may impose a civil penalty for a violation of §
17 2-15-203.

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

20 (3) The board may consider each day of a continuing violation of
21 § 2-15-203 to be a separate violation.

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

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

27 (2) The amount of any benefit the violator realized from the
28 violation; and

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

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

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

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