

HOUSE No. 835

The Commonwealth of Massachusetts

PRESENTED BY:
Frank I. Smizik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act relative to genetically modified pharmaceutical crops.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Frank I. Smizik	15th Norfolk
Tom Sannicandro	7th Middlesex
John W. Scibak	2nd Hampshire
Lori Ehrlich	8th Essex
Ellen Story	3rd Hampshire

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 865 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO GENETICALLY MODIFIED PHARMACEUTICAL CROPS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 20 of the General Laws, as so appearing in the 2006 Official Edition, is hereby amended by inserting, after section 26, the following new section:-

Section 27. Genetically Modified Pharmaceutical Crops.

(a) Legislative Findings.

The legislature finds that genetically modified pharmaceutical crops pose risks of unknown dimension to human health and the environment and those dramatic increases in the planting and consumption of such crops over the past several years have far outpaced our understanding of their immediate and long term effects. Furthermore, because the exchange of genetic material between genetically modified crops and conventional crops, wild plants and organisms is known to occur, genetically modified material and any adverse characteristics it confers or promotes can be irrevocably dispersed into the wider environment causing, but not limited to the following:

(1) The contamination of the food supply with genetically modified pharmaceutical crops not approved for human consumption, the contamination of conventional and organic crops from pollen drift, the development of insect and weed resistance to pesticides; injury or

death of non-target species; and allergenicity, toxicity or decreased nutritional value of genetically modified crops;

- (2) The legislature further finds that foods produced from genetically modified crops are increasingly being rejected by distributors, processors, retailers and consumers alike in both domestic and international markets. The growth of genetically pharmaceutical modified crops in Massachusetts thus places all state farmers at risk in the marketplace;
- (3) Genetically modified crops designed to produce industrial, biological or drug products represent novel public health and environmental threats to the people of Massachusetts. In other areas of the United States, the material from such crops has already been found to enter crops destined for the food supply. The possible consumption of such products, including animal vaccines and experimental drugs, pose an unacceptable risk to consumers. Therefore, the legislature enacts a suspension of any open air field planting and growing of pharmaceutical crops.

(b) For purposes of this section, the following words shall have the following definitions:

- (1) “Genetically Modified Crops”, crops produced from plant varieties created using techniques that alter the molecular or cell biology of the plant variety by means that are not possible under natural conditions or processes. Genetic modification shall include recombinant DNA cell-fusion, micro and macro encapsulation, gene deletion and doubling, introduction of a foreign gene and gene repositioning. It shall not include crop breeding, conjugation, fermentation, hybridization and tissue culture.
- (2) “Pharmaceutical Crops”, genetically modified crop designed to produce biological or drug products including intermediates, protein drugs, medical

devices, new animal drugs and veterinary biologics as regulated by the Food and Drug Administration or the United States Department of Agriculture.

(c) Planting of Pharmaceutical Crops.

(1) Pharmaceutical crops shall not be grown in open air fields or test plots within the Commonwealth until regulations are promulgated setting forth protections from contamination from said crops.

(2) The provisions of section 19 of this chapter shall apply to all decisions of the commissioner under this section.

SECTION 2. The commissioner of the department of agricultural resources, following public hearings, shall set forth regulations designed to protect non-genetically modified crops from contamination by genetically altered pharmaceutical crops pursuant to section 27 of chapter 20.