

D R A F T

SUMMARY

Allows local government to inhibit or prevent production or use of seed or seed products for purpose of protecting seed or products that are not genetically engineered from adverse impacts of genetically engineered seed or products.

A BILL FOR AN ACT

Relating to genetically engineered goods; amending ORS 633.738 and 633.741.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 633.738 is amended to read:

633.738. (1) As used in this section:

(a)(A) “Genetically engineered” means produced from one or more organisms in which the genetic material has been changed through the application of:

(i) Vector-based recombinant deoxyribonucleic acid or ribonucleic acid techniques, direct introduction of deoxyribonucleic acid or ribonucleic acid into cells or organelles or other in vitro nucleic acid techniques; or

(ii) Methods of fusing cells or protoplasts beyond the taxonomic family that overcome natural physiological, reproductive or recombination barriers.

(B) “Genetically engineered” does not mean resulting from conjugation, transduction, hybridization or other techniques used in traditional breeding and selection.

(b) “In vitro nucleic acid techniques” means processes in which deoxyribonucleic acid or ribonucleic acid are prepared outside of

1 **organisms then introduced into recipient cells or organisms in a**
2 **manner that changes the genetic material of the recipient.**

3 [(a)] (c) “Local government” has the meaning given that term in ORS
4 174.116.

5 [(b)] (d) “Nursery seed” means any propagant of nursery stock as defined
6 in ORS 571.005.

7 (2) Except as provided in [subsection (3) of] this section, a local govern-
8 ment may not enact or enforce a local law or measure, including but not
9 limited to an ordinance, regulation, control area or quarantine, to inhibit
10 or prevent the production or use of agricultural seed, flower seed, nursery
11 seed or vegetable seed or products of agricultural seed, flower seed, nursery
12 seed or vegetable seed. The prohibition imposed by this subsection includes,
13 but is not limited to, any local laws or measures for regulating the display,
14 distribution, growing, harvesting, labeling, marketing, mixing, notification
15 of use, planting, possession, processing, registration, storage, transportation
16 or use of agricultural seed, flower seed, nursery seed or vegetable seed or
17 products of agricultural seed, flower seed, nursery seed or vegetable seed.

18 (3) Subsection (2) of this section does not prohibit a local government
19 from enacting or enforcing a local law or measure to inhibit or prevent the
20 production or use of agricultural seed, flower seed, nursery seed or vegetable
21 seed, or products of agricultural seed, flower seed, nursery seed or vegetable
22 seed, on property owned by the local government.

23 (4) **Subsection (2) of this section does not prohibit a local govern-**
24 **ment from enacting or enforcing a local law or measure to inhibit or**
25 **prevent the production or use of agricultural seed, flower seed, nurs-**
26 **ery seed or vegetable seed, or products of agricultural seed, flower**
27 **seed, nursery seed or vegetable seed, for the purpose of protecting the**
28 **production or use of seed or products that are not genetically engi-**
29 **neered from adverse impacts of seed or products that are genetically**
30 **engineered.**

31 **SECTION 2.** ORS 633.741 is amended to read:

1 633.741. ORS 633.738 does not [*apply to*] **prohibit the enforcement of** any
2 local measure that was:

3 (1) Proposed by initiative petition and, on or before January 31, 2013,
4 qualified for placement on the ballot in a county; and

5 (2) Approved by the electors of the county at an election held on May 20,
6 2014.

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