

HOUSE BILL 175

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HB 257/00 - ENV

2001 Regular Session
11r0543

By: **Delegate Morhaim**

Introduced and read first time: January 19, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Nongerminating Genetically Engineered Seed - Prohibition**

3 FOR the purpose of prohibiting the sale, distribution, or use of certain
4 nongerminating genetically engineered seed; authorizing the Secretary of
5 Agriculture to impose certain civil penalties for certain violations; defining a
6 certain term; and generally relating to nongerminating genetically engineered
7 seed.

8 BY adding to
9 Article - Agriculture
10 Section 9-209.1
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Agriculture
15 Section 9-214
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Agriculture**

21 9-209.1.

22 (A) IN THIS SECTION, "TERMINATOR GENE TECHNOLOGY" MEANS:

23 (1) A PROCESS THAT RENDERS A SEED INCAPABLE OF NATURALLY
24 PRODUCING SECOND GENERATION SEED THROUGH THE INTRODUCTION OF
25 FOREIGN GENETIC MATERIAL INTO THE GENETIC SEQUENCE OF THE PARENT GENE;
26 OR

1 (2) A PROCESS THAT REQUIRES THE APPLICATION OF AN EXTERNAL
2 CHEMICAL INDUCER ON A SEED IN ORDER FOR THE SEED TO GERMINATE.

3 (B) A PERSON MAY NOT SELL, DISTRIBUTE, OR USE A NONGERMINATING
4 GENETICALLY ENGINEERED SEED RENDERED INCAPABLE OF NATURALLY
5 PRODUCING SECOND GENERATION SEED BY TERMINATOR GENE TECHNOLOGY.

6 9-214.

7 (a) (1) [Instead] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
8 SUBSECTION, INSTEAD of any other penalty under this article, the Secretary may
9 impose, on any person who violates an order issued by the Secretary under this
10 subtitle, a civil penalty for each seed lot in violation of the order, as follows:

11 [(1)] (I) For a first violation for which a civil penalty is imposed, not
12 more than \$100;

13 [(2)] (II) For a second violation for which a civil penalty is imposed, not
14 more than \$250; or

15 [(3)] (III) For a third or subsequent violation for which a civil penalty is
16 imposed, not more than \$500.

17 (2) FOR A VIOLATION OF § 9-209.1 OF THIS SUBTITLE, THE SECRETARY
18 MAY IMPOSE A CIVIL PENALTY FOR EACH SEED LOT IN VIOLATION OF THE ORDER AS
19 FOLLOWS:

20 (I) FOR A FIRST VIOLATION FOR WHICH A CIVIL PENALTY IS
21 IMPOSED, NOT MORE THAN \$1,000; OR

22 (II) FOR A SECOND OR SUBSEQUENT VIOLATION FOR WHICH A
23 CIVIL PENALTY IS IMPOSED, NOT MORE THAN \$10,000.

24 (b) Penalties collected by the Secretary under this section shall be paid into
25 the General Fund of the State.

26 (c) The Secretary shall adopt regulations to carry out the provisions of this
27 section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2001.