

**1558.0080 USES NOT REQUIRING A RELEASE PERMIT, NOTIFICATION, OR COMMERCIAL USE EXEMPTION.**

Subpart 1. **Containment facility.** The use of a GEO in a containment facility is not a release and does not require a release permit. A containment facility must meet applicable guidelines of the National Institute of Health Guidelines for Research Involving Genetically Engineered Organisms or USDA Animal and Plant Health Inspection Service Standard and Supplemental Conditions for Containment of Plant Pests Under Permit as certified by the commissioner. The commissioner retains the right to inspect facilities to ensure compliance.

Subp. 2. **Facility exemption.** The use of a GEO in a facility that does not meet the requirements of a containment facility, but has been found by the commissioner to provide adequate containment, to prevent unreasonable risk of release into the environment for the specific use proposed, is not a release and does not require a release permit. The commissioner retains the right to inspect facilities to ensure compliance.

Subp. 3. **Movement of GEOs.** GEOs must be moved in such a way that the viable organism is unlikely to be disseminated in transit and it must be maintained at the destination facility in such a way that there is no release into the environment. All GEOs must be clearly labeled. Movement of GEOs does not require a permit but must comply with items A and B.

A. Interstate movement of GEOs is governed by the most recent NIH shipment guidelines, which are incorporated by reference and published in the Federal Register, with state concurrence. The commissioner retains the right to inspect facilities to ensure compliance or otherwise modify the movement permit issued by the federal agency to ensure proper containment.

B. Intrastate movement of GEOs requires notification to the commissioner of the intent to move the GEOs and adherence to NIH shipment guidelines. The commissioner retains the right to inspect facilities to ensure compliance or otherwise modify the movement permit to ensure proper containment.

**Statutory Authority:** *MS s 18F.12*

**History:** *20 SR 1037*

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