

CHAPTER 18F

GENETICALLY ENGINEERED PLANTS

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18F.01 PURPOSE.

The purpose of sections 18F.01 to 18F.12 is to establish permits for the release of certain genetically engineered organisms to protect humans and the environment from the potential for significant adverse effects of those releases.

History: 1991 c 250 s 1

18F.02 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 18F.01 to 18F.12, the terms defined in this section have the meanings given them.

Subd. 2. **Agency.** "Agency" means the department of agriculture.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subd. 4. **Genetic engineering.** "Genetic engineering" means the introduction of new genetic material to an organism or the regrouping of an organism's genes using techniques or technology designed by humans. This does not include selective breeding, hybridization, or nondirected mutagenesis.

Subd. 5. **Genetically engineered plant.** "Genetically engineered plant" means a plant that has been modified directly or indirectly using genetic engineering.

Subd. 6. **Organism.** "Organism" means an animal, plant, bacterium, cyanobacterium, fungus, protist, or virus.

Subd. 7. **Plant.** "Plant" means a living organism consisting of one or more cells that does not typically exhibit voluntary motion or possess sensory or nervous organs.

Subd. 8. **Release.** "Release" means the placement or use of a genetically engineered organism outside a contained laboratory, greenhouse, building, structure, or other similar facility or under other conditions not specifically determined by the commissioner to be adequately contained.

Subd. 9. **Unreasonable adverse effects on the environment.** "Unreasonable adverse effects on the environment" means an unreasonable risk to humans or the environment, taking into account the environmental costs and benefits of the use of a genetically engineered organism.

History: 1991 c 250 s 2

18F.04 POWERS AND DUTIES OF THE COMMISSIONER.

The commissioner shall administer, implement, and enforce sections 18F.01 to 18F.12.

History: 1991 c 250 s 3

18F.07 GENETICALLY ENGINEERED PLANT PERMIT.

Subdivision 1. **Requirement.** A person may not conduct a release of a genetically engineered plant until a permit for the release has been obtained from the commissioner. Each release of a plant requires a new permit until the commissioner determines by rule that the plant is no longer subject to regulation under this chapter.

Subd. 2. **Permit application and review.** (a) After reviewing a completed application, the commissioner may issue a genetically engineered plant permit if the commis-

sioner determines that the applicant has adequately demonstrated that the proposed release does not have the potential for unreasonable adverse effects on the environment. The commissioner may prescribe terms and conditions including, but not limited to, the period for the genetically engineered plant permit, the amount or number of genetically engineered plants to be used, monitoring activities, department inspection schedules, reporting of experiment results, and experiment termination procedures. A person may not violate terms or conditions of a permit issued under this section. After a genetically engineered plant permit is issued, the commissioner may revoke or change the permit at any time if the commissioner finds that its terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on the environment.

(b) The commissioner may deny issuance of a genetically engineered plant permit if the commissioner determines that the use to be made of the plant under the proposed terms and conditions may cause unreasonable adverse effects on the environment.

Subd. 3. Application. A person shall file an application for a genetically engineered plant permit with the commissioner. The application must include:

- (1) the name and address of the applicant;
- (2) any United States Environmental Protection Agency, United States Department of Agriculture, or other federal agency regulatory application or approval document, if required under federal law or rule;
- (3) the purpose or objectives of the plant;
- (4) the name, address, and telephone number of cooperators or participants in this state;
- (5) the amount of plants, plant material, or seeds to be shipped or used in this state; and
- (6) other information requested by the commissioner.

Subd. 4. Application fee. An application for a permit for a genetically engineered plant must be accompanied by a nonrefundable application fee of \$125.

History: 1991 c 250 s 4

18F.12 RULES.

The commissioner shall adopt rules governing the issuance of permits for proposed releases of genetically engineered plants, experimental genetically engineered pesticides, and genetically engineered fertilizers, genetically engineered soil amendments, and genetically engineered plant amendments. The rules must include a requirement for environmental review subject to the provisions of chapter 116D and rules adopted under it. The rules must also include provisions requiring concurrent permit review for proposed releases that would require more than one permit under this chapter, chapter 18B or 18C.

History: 1991 c 250 s 5