

## HOUSE BILL No. 2239

By Committee on Agriculture

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9 AN ACT concerning agriculture; relating to sale of transgenic wheat  
10 seed; requirements and penalties for certain unlawful acts.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) As used in this act:

14 (1) "Secretary" means the secretary of agriculture; and

15 (2) "transgenic wheat" means wheat that is produced through genetic  
16 engineering.

17 (b) Before a variety of transgenic wheat seed may be offered for sale  
18 in Kansas, the patent holder shall obtain a certificate of approval for the  
19 sale of the particular variety from the secretary.

20 (c) To obtain a certificate of approval, a patent holder shall file with  
21 the secretary a petition that includes the following:

22 (1) Identification of the transgenic wheat variety;

23 (2) a description of each genetic modification made to obtain the  
24 particular variety;

25 (3) a description of the techniques used in making each genetic  
26 modification;

27 (4) identification of the introduced or altered genetic material;

28 (5) the effects of the genetic modification on the composition of the  
29 wheat variety that was modified;

30 (6) identification of specific substances that were expressed, removed  
31 or altered in the modification process;

32 (7) a description of the allergenicity and toxicity of the transgenic  
33 wheat variety;

34 (8) information regarding the availability of foreign markets for the  
35 transgenic wheat variety;

36 (9) information regarding handling protocols to ensure that the trans-  
37 genic wheat variety does not enter foreign or domestic food supplies for  
38 which the transgenic wheat has not been approved;

39 (10) information regarding handling protocols to ensure that the  
40 transgenic wheat variety does not enter foreign countries that have not  
41 approved the transgenic wheat for use;

42 (11) an assessment of the benefits and risks anticipated from the  
43 planting, harvest and sale of the transgenic wheat variety;

1 (12) a description of any pending state or federal level administrative  
2 reviews or legal actions regarding the transgenic wheat variety; and

3 (13) any other information deemed necessary by the secretary in or-  
4 der to complete the review process required by this act.

5 (d) The petition for a certificate of approval must be accompanied by  
6 copies of all research results regarding the transgenic wheat variety con-  
7 ducted by or on behalf of the patent holder, together with summaries of  
8 the results.

9 (e) Upon receiving a petition for a certificate of approval, the secre-  
10 tary shall:

11 (1) Verify that all documentation required by this act has been in-  
12 cluded; and

13 (2) schedule and provide notice of a public hearing.

14 (f) At least 30 days before the date of the public hearing, the secretary  
15 shall publish notice of the hearing in the Kansas register and provide  
16 general notice to the public and media. The secretary shall make available  
17 electronically all filings submitted by the patent holder in conjunction  
18 with the petition for a certificate of approval. If the secretary is unable  
19 to make material available electronically, the secretary shall provide cop-  
20 ies of the material in printed form upon request.

21 (g) At the public hearing, the secretary shall accept testimony and  
22 documentary evidence regarding any information required by this act.  
23 The secretary shall allow for the submission of additional written testi-  
24 mony and documentary evidence for a period of 10 days after the date  
25 of the hearing.

26 (h) (1) After the public hearing, the secretary shall review all docu-  
27 mentation submitted in conjunction with the petition for a certificate of  
28 approval and all testimony and documentary evidence submitted both at  
29 the hearing and during the ensuing period for the submission of additional  
30 written testimony and documentary evidence.

31 (2) Not later than 120 days from the date the secretary received the  
32 petition for a certificate of approval, the secretary shall determine  
33 whether the petition for a certificate of approval shall be granted. The  
34 secretary shall not grant the petition for a certificate unless the secretary  
35 finds that the transgenic wheat variety may be grown, harvested, stored,  
36 transported and sold in a manner that benefits producers and consumers  
37 at least to the same degree achievable by a nontransgenic variety.

38 (3) The findings and the determination of the secretary shall be avail-  
39 able electronically and the secretary shall provide copies in printed form  
40 upon request.

41 (i) At least once each month, the secretary shall make available elec-  
42 tronically a list of all petitions for certificates of approval under review by  
43 the secretary. The list shall include:

- 1     (1) The scientific and common name of each variety;
- 2     (2) a brief description of the status of any pending state or federal
- 3 level administrative reviews or legal actions pertaining to the variety;
- 4     (3) a summary of the genetic changes made to each variety; and
- 5     (4) the name and address of an individual who may provide additional
- 6 information about the product on the part of the patent holder.
- 7     Sec. 2. (a) Criminal sale of unapproved transgenic wheat is the sale
- 8 or attempt to sell any transgenic wheat seed by a person that has not
- 9 received a certificate of approval from the secretary of agriculture pur-
- 10 suant to the provisions of section 1, and amendments thereto.
- 11     (b) Criminal sale of unapproved transgenic wheat is a severity level
- 12 7, nonperson felony.
- 13     Sec. 3. This act shall take effect and be in force from and after its
- 14 publication in the statute book.