

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1678

02/13/2023 Authored by Pursell; Hansen, R., and Vang
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

1.1 A bill for an act
1.2 relating to agriculture; modifying genetically engineered organisms provisions;
1.3 amending Minnesota Statutes 2022, sections 18F.01; 18F.02, by adding
1.4 subdivisions; 18F.07; 18F.13; repealing Minnesota Statutes 2022, sections 18F.02,
1.5 subdivisions 2, 9; 18F.12.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 18F.01, is amended to read:

1.8 18F.01 PURPOSE.

1.9 The purpose of sections 18F.01 to 18F.13 is to establish ~~permits~~ conditions for the release
1.10 of certain genetically engineered agriculturally related organisms to protect humans and the
1.11 environment from the potential for significant adverse effects of those releases.

1.12 Sec. 2. Minnesota Statutes 2022, section 18F.02, is amended by adding a subdivision to
1.13 read:

1.14 Subd. 3a. Coordinated Framework. "Coordinated Framework" means the federal
1.15 Coordinated Framework for the Regulation of Biotechnology set forth in Federal Register,
1.16 volume 51, pages 23,302 to 23,350 (June 26, 1986), as amended.

1.17 Sec. 3. Minnesota Statutes 2022, section 18F.02, is amended by adding a subdivision to
1.18 read:

1.19 Subd. 7a. Regulated organism. "Regulated organism" means a genetically engineered
1.20 organism that is not exempt from federal regulations or that is not yet authorized for
1.21 commercial use by the appropriate federal agency in the Coordinated Framework.

2.1 Sec. 4. Minnesota Statutes 2022, section 18F.07, is amended to read:

2.2 **18F.07 GENETICALLY ENGINEERED AGRICULTURALLY RELATED**  
 2.3 **ORGANISM PERMIT.**

2.4 Subdivision 1. **Requirement.** A person may not conduct a release of a genetically  
 2.5 engineered agriculturally related organism until a permit for the release has been obtained  
 2.6 from the ~~commissioner~~ United States Department of Agriculture (USDA) or Environmental  
 2.7 Protection Agency (EPA) or an agency in the Coordinated Framework has determined that  
 2.8 the organism is exempt from regulation. The commissioner may accept a USDA or EPA  
 2.9 permit or may review a USDA or EPA permit and add additional requirements to ensure  
 2.10 that the proposed release of a genetically engineered agriculturally related organism would  
 2.11 not create a hazard to the agricultural, forest, or horticultural interests of this state or the  
 2.12 state's general environmental quality. Each release of a genetically engineered agriculturally  
 2.13 related organism requires a new permit until the ~~commissioner~~ USDA or the EPA determines  
 2.14 ~~by rule~~ that the proposed use of the genetically engineered agriculturally related organism  
 2.15 is no longer subject to regulation ~~under this chapter.~~

2.16 Subd. 2. **Permit ~~application and review.~~** (a) ~~After reviewing a completed application,~~  
 2.17 ~~the commissioner may issue a genetically engineered agriculturally related organism permit~~  
 2.18 ~~if the commissioner determines that the applicant has adequately demonstrated that the~~  
 2.19 ~~proposed release does not have the potential for unreasonable adverse effects on the~~  
 2.20 ~~environment.~~ If the commissioner reviews a USDA or EPA permit, the commissioner may  
 2.21 ~~prescribe~~ recommend terms and conditions, including, but not limited to, the period for the  
 2.22 genetically engineered agriculturally related organism permit, the amount or number of  
 2.23 genetically engineered agriculturally related organisms to be used, monitoring activities,  
 2.24 department inspection schedules, reporting of experiment results, and experiment termination  
 2.25 procedures. ~~A person may not violate terms or conditions of a permit issued under this~~  
 2.26 ~~section.~~ After a genetically engineered agriculturally related organism permit is issued, the  
 2.27 commissioner ~~may revoke or change the permit at any time~~ must inform the permitting  
 2.28 agency if the ~~commissioner~~ finds that its permit terms or conditions are being violated or  
 2.29 are inadequate to avoid unreasonable adverse effects on the environment.

2.30 (b) The commissioner may ~~deny issuance of a genetically engineered agriculturally~~  
 2.31 ~~related organism permit if the commissioner determines that the use to be made of the~~  
 2.32 ~~agriculturally related organisms under the proposed terms and conditions may cause~~  
 2.33 ~~unreasonable adverse effects on the environment~~ request that the USDA or EPA not issue  
 2.34 a permit if the commissioner determines that the release of the genetically engineered

3.1 agriculturally related organism would create a hazard to the agricultural, forest, or  
 3.2 horticultural interests of this state or the state's general environmental quality.

3.3 (c) The commissioner shall publish a notice of the proposed release at the earliest  
 3.4 opportunity in the EQB Monitor and shall notify the chair of the county board and, if  
 3.5 applicable, the Tribal council of any reservation where the organism will be released.

3.6 Subd. 3. **Application.** A person shall file an application for a genetically engineered  
 3.7 agriculturally related organism permit with the commissioner. ~~The application must include:~~  
 3.8 appropriate federal agency in the Coordinated Framework.

3.9 ~~(1) the name and address of the applicant;~~

3.10 ~~(2) any United States Environmental Protection Agency, United States Department of~~  
 3.11 ~~Agriculture, or other federal agency regulatory application or approval document, if required~~  
 3.12 ~~under federal law or rule;~~

3.13 ~~(3) the purpose or objectives of the agriculturally related organism;~~

3.14 ~~(4) the name, address, and telephone number of cooperators or participants in this state;~~

3.15 ~~(5) the amount or number of organisms, materials, cultures, or seeds to be shipped or~~  
 3.16 ~~used in this state; and~~

3.17 ~~(6) other information requested by the commissioner.~~

3.18 Subd. 4. ~~**Application fee.** An application for a permit for a genetically engineered~~  
 3.19 ~~agriculturally related organism must be accompanied by a nonrefundable application fee~~  
 3.20 ~~of \$125.~~

3.21 Sec. 5. Minnesota Statutes 2022, section 18F.13, is amended to read:

3.22 **18F.13 EXEMPTIONS.**

3.23 ~~(a) The commissioner may provide exemptions to the requirements to prepare an~~  
 3.24 ~~environmental assessment worksheet and obtain a permit for release of genetically engineered~~  
 3.25 ~~agriculturally related organisms for which substantial evidence, including past releases, has~~  
 3.26 ~~shown that the organism can be released without adverse effects on humans and the~~  
 3.27 ~~environment must recognize federal exemptions for the regulation of genetically engineered~~  
 3.28 ~~organisms.~~

3.29 ~~(b) The commissioner may provide exemptions from the requirements to prepare an~~  
 3.30 ~~environmental assessment worksheet and obtain a permit for release of genetically engineered~~  
 3.31 ~~agriculturally related organisms for which substantial evidence, including past releases, has~~

4.1 ~~shown that the organism can be released under alternative oversight without adverse effects~~  
4.2 ~~to humans and the environment~~ must allow the commercial use of agriculturally related  
4.3 genetically engineered organisms, pesticides, fertilizers, soil amendments, or plant  
4.4 amendments that have been deregulated by any federal agency.

4.5 Sec. 6. **REPEALER.**

4.6 Minnesota Statutes 2022, sections 18F.02, subdivisions 2 and 9; and 18F.12, are repealed.

**18F.02 DEFINITIONS.**

Subd. 2. **Agency.** "Agency" means the Department of Agriculture.

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.

**18F.12 RULES.**

The commissioner shall adopt rules governing the issuance of permits for proposed releases of genetically engineered agriculturally related organisms, 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.