

Sec. 32. TRANSITION.

Notwithstanding Minnesota Statutes, section 340A.414, subdivision 4, all consumption and display permits issued by the commissioner of public safety that expire June 30, 1991, are extended and are valid until March 31, 1992.

Sec. 33. REPEALER.

Subdivision 1. SEASONAL LICENSE AUTHORITY. Minnesota Statutes 1990, section 340A.404, subdivision 6a, is repealed.

Subd. 2. VIRGINIA SPECIAL LAW. Laws 1974, chapter 501, section 1, is repealed.

Subd. 3. HIBBING SPECIAL LAW. Laws 1989, chapter 72, is repealed.

Sec. 34. EFFECTIVE DATE.

Section 8 applies to new licenses issued on or after August 1, 1991. Sections 17 and 30 are effective June 1, 1991. Section 27 is effective on approval of the St. Louis county board and compliance with Minnesota Statutes, section 645.021. Section 28 is effective on approval by the Alexandria city council and compliance with Minnesota Statutes, section 645.021. Sections 29 and 33, subdivision 2, are effective on approval by the Virginia city council and compliance with Minnesota Statutes, section 645.021. Sections 30 and 33, subdivision 3, are effective on approval by the Hibbing city council and compliance with Minnesota Statutes, section 645.021.

Presented to the governor May 28, 1991

Signed by the governor May 31, 1991, 4:43 p.m.

CHAPTER 250—H.F.No. 1129

An act relating to agriculture; regulating genetically engineered plants, pesticides, fertilizers, soil amendments, and plant amendments; rules of the environmental quality board governing release of genetically engineered organisms; reimbursement of release permit costs; imposing a penalty; amending Minnesota Statutes 1990, sections 18B.01, by adding subdivisions; 18C.005, by adding subdivisions; 18C.425, by adding a subdivision; 18D.01, subdivisions 1 and 9; 18D.301, subdivisions 1 and 2; 18D.325, subdivisions 1 and 2; 18D.331, subdivisions 1, 2, and 3; 116C.91, by adding a subdivision; and 116C.94; proposing coding for new law in Minnesota Statutes, chapters 18B; 18C; and 116C; proposing coding for new law as Minnesota Statutes, chapter 18F.

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

Section 1. [18F.01] PURPOSE.

New language is indicated by underline, deletions by ~~strikeout~~.

The purpose of sections 1 to 5 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.

Sec. 2. [18F.02] DEFINITIONS.

Subdivision 1. SCOPE. As used in sections 1 to 5, 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.

Sec. 3. [18F.04] POWERS AND DUTIES OF THE COMMISSIONER.

The commissioner shall administer, implement, and enforce sections 1 to 5.

Sec. 4. [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.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. PERMIT APPLICATION AND REVIEW. (a) After reviewing a completed application, the commissioner may issue a genetically engineered plant permit if the commissioner 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.

Sec. 5. [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

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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 chapter 18B, 18C, or 18F.

Sec. 6. Minnesota Statutes 1990, section 18B.01, is amended by adding a subdivision to read:

Subd. 10a. GENETIC ENGINEERING. "Genetic engineering" means the modification of the genetic composition of an organism using molecular techniques. This does not include selective breeding, hybridization, or nondirected mutagenesis.

Sec. 7. Minnesota Statutes 1990, section 18B.01, is amended by adding a subdivision to read:

Subd. 10b. GENETICALLY ENGINEERED PESTICIDE. "Genetically engineered pesticide" means an organism that has been modified through the use of genetic engineering, intended to prevent, destroy, repel, or mitigate a pest, and an organism that has been modified through the use of genetic engineering, intended for use as a plant regulator, defoliant, or desiccant.

Sec. 8. Minnesota Statutes 1990, section 18B.01, is amended by adding a subdivision to read:

Subd. 15a. ORGANISM. "Organism" means an animal, plant, bacterium, cyanobacterium, fungus, protist, or virus.

Sec. 9. Minnesota Statutes 1990, section 18B.01, is amended by adding a subdivision to read:

Subd. 22a. 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.

Sec. 10. [18B.285] **EXPERIMENTAL GENETICALLY ENGINEERED PESTICIDE PRODUCT REGISTRATION.**

Subdivision 1. REQUIREMENT. (a) A person may not use, distribute, or conduct release experiments with a genetically engineered pesticide in any amount in the state until it is registered under this section or section 18B.26. Use, distribution, or release of a genetically engineered pesticide must be registered under this section until the commissioner determines by rule or order that the genetically engineered pesticide may be subject to section 18B.26. Experimental genetically engineered pesticide product registrations expire on December 31 of each year and may be renewed on or before that date.

(b) After reviewing a completed application, the commissioner may issue an

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experimental genetically engineered pesticide product registration if the commissioner 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 experimental genetically engineered pesticide product registration, the amount or number of genetically engineered pesticide product 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 registration issued under this section. After an experimental genetically engineered pesticide product registration is issued, the commissioner may revoke or change the registration 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.

(c) The commissioner may deny issuance of an experimental genetically engineered pesticide product registration if the commissioner determines that the use to be made of the pesticide under the proposed terms and conditions may cause unreasonable adverse effects on the environment.

Subd. 2. APPLICATION. A person must file an application for experimental genetically engineered pesticide product registration with the commissioner. An application to register an experimental genetically engineered pesticide product must include:

- (1) the name and address of the applicant;
- (2) any United States Environmental Protection Agency regulatory application or approval document required under federal law or rule;
- (3) the purpose or objectives of the product;
- (4) an experimental genetically engineered pesticide product use label;
- (5) the name, address, and telephone number of cooperators or participants in this state;
- (6) the amount of material to be shipped or used in this state; and
- (7) other information requested by the commissioner.

Subd. 3. APPLICATION FEE. An application for registration of an experimental genetically engineered pesticide product must be accompanied by a non-refundable application fee of \$125.

Sec. 11. Minnesota Statutes 1990, section 18C.005, is amended by adding a subdivision to read:

Subd. 12a. GENETIC ENGINEERING. "Genetic engineering" means the modification of the genetic composition of an organism using molecular techniques. This does not include selective breeding, hybridization, or nondirected mutagenesis.

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Sec. 12. Minnesota Statutes 1990, section 18C.005, is amended by adding a subdivision to read:

Subd. 12b. GENETICALLY ENGINEERED FERTILIZER. "Genetically engineered fertilizer" means an organism that has been modified through the use of genetic engineering, containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Genetically engineered fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by rule by the commissioner.

Sec. 13. Minnesota Statutes 1990, section 18C.005, is amended by adding a subdivision to read:

Subd. 12c. GENETICALLY ENGINEERED PLANT AMENDMENT. "Genetically engineered plant amendment" means an organism that has been modified through the use of genetic engineering, and that when applied to plants or seeds is intended to improve germination, growth, yield, product quality, reproduction, flavor, or other desirable characteristics of plants except fertilizers, soil amendments, agricultural liming materials, pesticides, and other materials that are exempted by rule.

Sec. 14. Minnesota Statutes 1990, section 18C.005, is amended by adding a subdivision to read:

Subd. 12d. GENETICALLY ENGINEERED SOIL AMENDMENT. "Genetically engineered soil amendment" means an organism that has been modified directly or indirectly using genetic engineering, intended to improve the physical characteristics of the soil for agricultural production, except fertilizers, agricultural liming materials, pesticides, and other materials exempted by rule.

Sec. 15. Minnesota Statutes 1990, section 18C.005, is amended by adding a subdivision to read:

Subd. 22a. ORGANISM. "Organism" means an animal, plant, bacterium, cyanobacterium, fungus, protist, or virus.

Sec. 16. Minnesota Statutes 1990, section 18C.005, is amended by adding a subdivision to read:

Subd. 27a. 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.

Sec. 17. **[18C.310] GENETICALLY ENGINEERED FERTILIZER, GENETICALLY ENGINEERED SOIL AMENDMENT, OR GENETICALLY ENGINEERED PLANT AMENDMENT PERMIT.**

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Subdivision 1. REQUIREMENT. A person may not conduct a release of a genetically engineered fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment in any amount in the state until a permit for the release has been obtained from the commissioner under this section, a registration has been obtained under section 18C.411, or a license has been obtained under section 18C.415. A release of a genetically engineered fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment must have a permit under this section until the commissioner determines by rule or order that the release may be subject to sections 18C.411 and 18C.415, or is otherwise exempt from this section. Each new release requires a new permit.

Subd. 2. PERMIT APPLICATION AND REVIEW. (a) After reviewing a completed application, the commissioner may issue a genetically engineered fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment permit if the commissioner 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 fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment permit, the amount or number of genetically engineered fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment 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 fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment 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 fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment permit if the commissioner determines that the use to be made of the genetically engineered fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment 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 fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment permit with the commissioner. An application for a genetically engineered fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment permit 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;

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(3) the purpose or objectives of the product;

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

(5) the amount of material to be shipped or used in this state; and

(6) other information requested by the commissioner.

Sec. 18. Minnesota Statutes 1990, section 18C.425, is amended by adding a subdivision to read:

Subd. 3a. GENETICALLY ENGINEERED FERTILIZER, GENETICALLY ENGINEERED SOIL AMENDMENT, OR GENETICALLY ENGINEERED PLANT AMENDMENT PERMIT. An application for a genetically engineered fertilizer, genetically engineered soil amendment, or genetically engineered plant amendment permit must be accompanied by a nonrefundable application fee of \$125.

Sec. 19. Minnesota Statutes 1990, section 18D.01, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS IN CHAPTERS 18B ~~AND~~, 18C, and 18F APPLY.** The definitions in chapters 18B ~~and~~, 18C, and 18F apply to this chapter.

Sec. 20. Minnesota Statutes 1990, section 18D.01, subdivision 9, is amended to read:

Subd. 9. **PROVISION OF THIS CHAPTER.** "Provision of this chapter" means a provision of this chapter, chapter 18B, 18C, 18F, or a rule adopted under those chapters.

Sec. 21. Minnesota Statutes 1990, section 18D.301, subdivision 1, is amended to read:

Subdivision 1. **ENFORCEMENT REQUIRED.** (a) The commissioner shall enforce this chapter and chapters 18B ~~and~~, 18C, and 18F.

(b) Violations of chapter 18B ~~or~~, 18C, or 18F or rules adopted under chapter 18B ~~or~~, 18C, or 18F are a violation of this chapter.

(c) Upon the request of the commissioner, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws shall take action to the extent of their authority necessary or proper for the enforcement of this chapter or special orders, standards, stipulations, and agreements of the commissioner.

Sec. 22. Minnesota Statutes 1990, section 18D.301, subdivision 2, is amended to read:

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Subd. 2. **COMMISSIONER'S DISCRETION.** If minor violations of this chapter, chapter 18B, ~~or 18C₁~~ or 18F occur or when the commissioner believes the public interest will be best served by a suitable notice of warning in writing, this chapter does not require the commissioner to:

- (1) report the violation for prosecution;
- (2) institute seizure proceedings; or
- (3) issue a withdrawal from distribution or stop-sale order.

Sec. 23. Minnesota Statutes 1990, section 18D.325, subdivision 1, is amended to read:

Subdivision 1. **GENERAL PENALTY.** Except as provided in subdivisions 2 and 3, a person who violates this chapter, chapter 18B, ~~or 18C₁~~ or 18F or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner is subject to a civil penalty of up to \$7,500 per day of violation as determined by the court.

Sec. 24. Minnesota Statutes 1990, section 18D.325, subdivision 2, is amended to read:

Subd. 2. **DISPOSAL THAT BECOMES HAZARDOUS WASTE.** A person who violates a provision of this chapter, chapter 18B, ~~or 18C₁~~ or 18F or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner that relates to disposal of agricultural chemicals so that they become hazardous waste, is subject to the penalties in section 115.071.

Sec. 25. Minnesota Statutes 1990, section 18D.331, subdivision 1, is amended to read:

Subdivision 1. **GENERAL VIOLATION.** Except as provided in subdivisions 2 and 3, a person is guilty of a misdemeanor if the person violates a provision of this chapter, chapter 18B, ~~or 18C₁~~ or 18F or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner.

Sec. 26. Minnesota Statutes 1990, section 18D.331, subdivision 2, is amended to read:

Subd. 2. **VIOLATION ENDANGERING HUMANS.** A person is guilty of a gross misdemeanor if the person violates a provision of this chapter, chapter 18B, ~~or 18C₁~~ or 18F or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner, and the violation endangers humans.

Sec. 27. Minnesota Statutes 1990, section 18D.331, subdivision 3, is amended to read:

Subd. 3. **VIOLATION WITH KNOWLEDGE.** A person is guilty of a

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gross misdemeanor if the person knowingly violates a provision of this chapter, chapter 18B, ~~or 18C~~, or 18F or a standard, special order, stipulation, agreement, or schedule of compliance of the commissioner.

Sec. 28. Minnesota Statutes 1990, section 116C.91, is amended by adding a subdivision to read:

Subd. 7. SIGNIFICANT ENVIRONMENTAL PERMIT. "Significant environmental permit" means a permit issued by a state agency with the authority to deny, modify, revoke, or place conditions on the permit in compliance with the requirements of sections 116C.91 to 116C.96, chapter 116D, and the rules adopted under them.

Sec. 29. Minnesota Statutes 1990, section 116C.94, is amended to read:

116C.94 RULES.

(a) The board shall adopt rules consistent with sections 116C.91 to ~~116C.95~~ 116C.96 that require an environmental assessment worksheet and otherwise comply with chapter 116D and rules adopted under it for a proposed release and a permit for a release. The board may place conditions on a permit and may deny, modify, suspend, or revoke a permit.

(b) The rules shall provide that a permit from the board is not required if the proposer can demonstrate to the board that a significant environmental permit is required for the proposal by another state agency.

(c) A person proposing a release for which a federal permit is required may apply to the board for an exemption from the board's permit or to an agency with a significant environmental permit for the proposed release for an exemption from the agency's permit. The proposer must file with the board or agency, within 14 days of filing a federal application, a written request for exemption with a copy of the federal application and the information necessary to determine if there is a potential for significant environmental effects under chapter 116D and rules adopted under it. The board or agency shall give public notice of the request in the first available issue of the EQB Monitor and shall provide an opportunity for public comment on the environmental review process consistent with chapter 116D and rules adopted under it. The board or agency may grant the exemption if the board or agency finds that the federal permit issued is in compliance with the requirements of chapter 116D and rules adopted under it and any other requirement of the board's or agency's authority regarding the release of genetically engineered organisms. The board or agency must grant or deny the exemption within 45 days after the receipt of the federal permit.

(d) The board shall consult with local units of government and with private citizens before adopting any rules.

Sec. 30. [116C.96] COST REIMBURSEMENT.

The board shall assess the proposer of a release for the necessary and rea-

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sonable costs of processing exemptions from a release permit or applications for a release permit. An estimated budget shall be prepared for each exemption or application by the chair of the board. The proposer must remit 25 percent of the estimated budget within 14 days of the receipt of the estimated budget from the chair. The unpaid balance shall be billed in periodic installments, due upon receipt of an invoice from the chair. Costs in excess of the estimated budget must be certified by the board and upon certification constitute prima facie evidence that the expenses are reasonable and necessary and shall be charged to the proposer. The proposer may review all actual costs and present objections to the board, which may modify the cost or determine that the cost assessed is reasonable. The assessment paid by the proposer shall not exceed the sum of the costs incurred. All money received under this section shall be deposited in the special account established under section 116D.045, subdivision 3, for the purpose of paying costs incurred in processing exemptions and applications.

Sec. 31. INSTRUCTION TO REVISOR.

In the next and subsequent editions of Minnesota Statutes, section 18B.01, subdivision 15a, must be renumbered as section 18B.01, subdivision 15b.

Presented to the governor May 28, 1991

Signed by the governor May 31, 1991, 4:45 p.m.

CHAPTER 251—H.F.No. 540

An act relating to crimes; regulating the display of handgun ammunition; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Section 1. [609.663] DISPLAY OF HANDGUN AMMUNITION.

It is a petty misdemeanor to display centerfire metallic-case handgun ammunition for sale to the public in a manner that makes the ammunition directly accessible to persons under the age of 18 years, other than employees or agents of the seller, unless the display is under observation of the seller or the seller's employee or agent, or the seller takes reasonable steps to exclude underage persons from the immediate vicinity of the display. Ammunition displayed in an enclosed display case or behind a counter is not directly accessible. This section does not apply to ammunition suitable for big game hunting.

Presented to the governor May 28, 1991

Signed by the governor May 31, 1991, 4:54 p.m.

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