

CHAPTER 18F

GENETICALLY ENGINEERED ORGANISMS

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18F.01 PURPOSE.

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

History: 1991 c 250 s 1; 1994 c 454 s 1; 2023 c 43 art 2 s 42

18F.02 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 18F.01 to 18F.13, the terms defined in this section have the meanings given them.

Subd. 2. MS 2022 [Repealed, 2023 c 43 art 2 s 142]

Subd. 2a. **Agriculturally related organism.** "Agriculturally related organism" means any organism that is used in agricultural production or processing of agricultural products. It includes livestock and livestock products; dairy animals and dairy products; poultry and poultry products; domestic fur-bearing animals; animal feeds; horticultural stock; nursery stock, as defined in section 18G.02, subdivision 17; fruit; vegetables; forage grain; wild rice; seeds; bees; apiary products; and products for the control or mitigation of noxious weeds. It excludes vaccines and drugs for use in humans; genetic engineering of human germ cells and human somatic cells intended for use in human gene therapy; vaccines for use in livestock, dairy animals, poultry, domestic fur-bearing animals, or private aquatic life; genetically engineered wild animals; and forestry products.

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

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

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 organism.** "Genetically engineered organism" means an organism 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. [Repealed, 1994 c 454 s 14]

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

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. MS 2022 [Repealed, 2023 c 43 art 2 s 142]

History: 1991 c 250 s 2; 1994 c 454 s 2-4; 2004 c 228 art 1 s 12; 2023 c 43 art 2 s 43,44

18F.04 POWERS AND DUTIES OF COMMISSIONER.

The commissioner shall administer, implement, and enforce sections 18F.01 to 18F.13. The Board of Animal Health shall be consulted on permits that relate to livestock and domestic animals.

History: 1991 c 250 s 3; 1994 c 454 s 5

18F.07 GENETICALLY ENGINEERED AGRICULTURALLY RELATED ORGANISM PERMIT.

Subdivision 1. **Requirement.** A person may not conduct a release of a genetically engineered agriculturally related organism until a permit for the release has been obtained from the United States Department of Agriculture (USDA) or Environmental Protection Agency (EPA) unless the organism is exempt from regulation by the applicable agency under the Coordinated Framework. The commissioner may accept a USDA or an EPA permit or may review a USDA or an EPA permit and add additional requirements to ensure that the proposed release of a genetically engineered agriculturally related organism would not create a hazard to the agricultural, forest, or horticultural interests of this state or the state's general environmental quality.

Subd. 2. **Permit review.** (a) If the commissioner reviews a USDA or an EPA permit, the commissioner may recommend terms and conditions, including but not limited to the period for the genetically engineered agriculturally related organism permit, the amount or number of genetically engineered agriculturally related organisms to be used, monitoring activities, department inspection schedules, reporting of experiment results, and experiment termination procedures. After a genetically engineered agriculturally related organism permit is issued, the commissioner must inform the permitting agency if the permit terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on the environment.

(b) The commissioner may request that the USDA or EPA not issue a permit if the commissioner determines that the release of the genetically engineered agriculturally related organism would create a hazard to the agricultural, forest, or horticultural interests of this state or the state's general environmental quality.

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

Subd. 3. **Application.** A person shall file an application for a genetically engineered agriculturally related organism permit with the appropriate federal agency in the Coordinated Framework, unless exempted as set forth in section 18F.13.

Subd. 4. MS 2022 [Repealed by amendment, 2023 c 43 art 2 s 45]

History: *1991 c 250 s 4; 1994 c 454 s 6; 2023 c 43 art 2 s 45*

18F.12 MS 2022 [Repealed, 2023 c 43 art 2 s 142]

18F.13 EXEMPTIONS.

The commissioner must recognize federal exemptions for the regulation of genetically engineered organisms. The commissioner must allow the commercial use of agriculturally related genetically engineered organisms, pesticides, fertilizers, soil amendments, or plant amendments that have been deregulated by any federal agency.

History: *1994 c 454 s 8; 2023 c 43 art 2 s 46*