

**HOUSE . . . . . No. 835**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to genetically modified pharmaceutical crops..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 20 of the General Laws, as so appearing in the 2006 Official Edition, is hereby  
2 amended by inserting, after section 26, the following new section:-

3 Section 27. Genetically Modified Pharmaceutical Crops.

4 (a) Legislative Findings.

5 The legislature finds that genetically modified pharmaceutical crops pose risks of  
6 unknown dimension to human health and the environment and those dramatic increases in the  
7 planting and consumption of such crops over the past several years have far outpaced our  
8 understanding of their immediate and long term effects. Furthermore, because the exchange of  
9 genetic material between genetically modified crops and conventional crops, wild plants and  
10 organisms is known to occur, genetically modified material and any adverse characteristics it  
11 confers or promotes can be irrevocably dispersed into the wider environment causing, but not  
12 limited to the following:

13           The contamination of the food supply with genetically modified pharmaceutical crops not  
14 approved for human consumption, the contamination of conventional and organic crops from  
15 pollen drift, the development of insect and weed resistance to pesticides; injury or death of non-  
16 target species; and allergenicity, toxicity or decreased nutritional value of genetically modified  
17 crops;

18           The legislature further finds that foods produced from genetically modified crops are  
19 increasingly being rejected by distributors, processors, retailers and consumers alike in both  
20 domestic and international markets. The growth of genetically pharmaceutical modified crops in  
21 Massachusetts thus places all state farmers at risk in the marketplace;

22           Genetically modified crops designed to produce industrial, biological or drug products  
23 represent novel public health and environmental threats to the people of Massachusetts. In other  
24 areas of the United States, the material from such crops has already been found to enter crops  
25 destined for the food supply. The possible consumption of such products, including animal  
26 vaccines and experimental drugs, pose an unacceptable risk to consumers. Therefore, the  
27 legislature enacts a suspension of any open air field planting and growing of pharmaceutical  
28 crops.

29           (b) For purposes of this section, the following words shall have the following definitions:

30           “Genetically Modified Crops”, crops produced from plant varieties created using  
31 techniques that alter the molecular or cell biology of the plant variety by means that are not  
32 possible under natural conditions or processes. Genetic modification shall include recombinant  
33 DNA cell-fusion, micro and macro encapsulation, gene deletion and doubling, introduction of a

34 foreign gene and gene repositioning. It shall not include crop breeding, conjugation,  
35 fermentation, hybridization and tissue culture.

36 “Pharmaceutical Crops”, genetically modified crop designed to produce biological or  
37 drug products including intermediates, protein drugs, medical devices, new animal drugs and  
38 veterinary biologics as regulated by the Food and Drug Administration or the United States  
39 Department of Agriculture.

40 (c) Planting of Pharmaceutical Crops.

41 Pharmaceutical crops shall not be grown in open air fields or test plots within the  
42 Commonwealth until regulations are promulgated setting forth protections from contamination  
43 from said crops.

44 The provisions of section 19 of this chapter shall apply to all decisions of the  
45 commissioner under this section.

46 SECTION 2. The commissioner of the department of agricultural resources, following  
47 public hearings, shall set forth regulations designed to protect non-genetically modified crops  
48 from contamination by genetically altered pharmaceutical crops pursuant to section 27 of chapter  
49 20.