



1 Organism Liability Act."

2 **19-2H-2. Legislative findings.**

3 The Legislature finds the following:

4 (1) The negative consequences of genetically engineered crops  
5 may impact farmers who grow these crops, neighbor farmers who do  
6 not grow these crops and consumers;

7 (2) Biotech companies are selling a technology that is being  
8 commercialized ahead of the new and unknown science of genetic  
9 engineering;

10 (3) Farmers may suffer from crop failures, neighbor and nearby  
11 farmers may suffer from cross pollination, increased insect  
12 resistance, and unwanted volunteer genetically engineered plants  
13 and consumers may suffer from health and environmental impacts; and

14 (4) Biotech companies should be found liable for the failures  
15 of genetically engineered crops when they arise.

16 **19-2H-3. Liability.**

17 (a) Cause of action. -- A biotech company is liable to any  
18 party injured by the release of a genetically engineered organism  
19 into the environment if that injury results from that genetic  
20 engineering. The prevailing plaintiff in an action under this  
21 subsection may also recover reasonable attorney's fees and other  
22 litigation expenses.

23 (b) Nonwaivable. -- The liability created by subsection (a)  
24 may not be waived or otherwise avoided by contract.

1        (c) Definition. -- As used in this section, the term "biotech  
2 company" means a person:

3        (1) Engaged in the business of genetically engineering an  
4 organism; or

5        (2) Obtained the patent rights to such an organism for the  
6 purposes of commercial exploitation of that organism.

NOTE: The purpose of this bill is to create the "Genetically Engineered Organism Liability Act." The bill makes legislative findings. The bill establishes liability for injuries arising from the release of genetically engineered organisms into the environment and that liability is nonwaivable. The bill also defines a term.

This article is new; therefore, it has been completely underscored.