
SENATE BILL 5167

State of Washington

63rd Legislature

2013 Regular Session

By Senators Chase and Shin

Read first time 01/22/13. Referred to Committee on Agriculture, Water & Rural Economic Development.

1 AN ACT Relating to the ability of a local legislative authority to
2 regulate genetically modified organisms; amending RCW 69.04.730,
3 69.04.761, and 69.04.880; adding a new section to chapter 69.04 RCW;
4 adding a new section to chapter 35.21 RCW; adding a new section to
5 chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.04 RCW
8 to read as follows:

9 (1) Any city, code city, town, or county may, through its local
10 legislative authority, choose to regulate genetically modified
11 organisms consistent with this section. It is within the jurisdiction
12 of the local legislative authority to determine the parameters of
13 regulation, which may include the production, use, advertising, sale,
14 distribution, storage, transportation, formulation, packaging,
15 labeling, certification, registration, propagation, cultivation,
16 raising, or growing of genetically modified organisms consistent with
17 the provisions of this section. Nothing in this section requires a
18 city, code city, town, or county to regulate genetically modified
19 organisms.

1 (2) A city, code city, town, or county that chooses to regulate
2 genetically modified organisms may define genetically modified
3 organisms in a way other than as defined in subsection (5) of this
4 section and may exempt certain activities from regulation.

5 (3) A city, code city, town, or county that chooses to regulate
6 genetically modified organisms may establish the terms of violation and
7 penalties for violation.

8 (4) Nothing in this section authorizes or empowers a city, code
9 city, town, or county from adopting or enforcing an ordinance or other
10 local policy that is less stringent than any laws of statewide
11 applicability in existence at the time when the local policy is adopted
12 or that is adopted for statewide applicability after the local
13 adoption.

14 (5) The definitions in this subsection apply throughout this
15 section unless the context clearly requires otherwise.

16 (a) "Genetically modified" means an organism, with the exception of
17 human beings, in which genetic material has been altered in a way that
18 does not occur naturally either by mating or natural recombination, or
19 both.

20 (b) "Organisms" means any biological entity capable of replication
21 or transferring genetic material.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21 RCW
23 to read as follows:

24 Any city or town ordinance regarding genetically modified
25 organisms, as those terms are defined in section 1 of this act, must be
26 consistent with section 1 of this act.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21 RCW
28 to read as follows:

29 Any code city ordinance regarding genetically modified organisms,
30 as those terms are defined in section 1 of this act, must be consistent
31 with section 1 of this act.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW
33 to read as follows:

34 Any county ordinance regarding genetically modified organisms, as

1 those terms are defined in section 1 of this act, must be consistent
2 with section 1 of this act.

3 **Sec. 5.** RCW 69.04.730 and 1947 c 25 s 91 are each amended to read
4 as follows:

5 Except for regulations under section 1 of this act, the authority
6 to (~~promulgate regulations~~) adopt rules for the efficient enforcement
7 of this chapter is hereby vested in the director: PROVIDED, HOWEVER,
8 That the director shall designate the Washington state board of
9 pharmacy to carry out all the provisions of this chapter pertaining to
10 drugs and cosmetics, with authority to (~~promulgate regulations~~) adopt
11 rules for the efficient enforcement thereof.

12 **Sec. 6.** RCW 69.04.761 and 1963 c 198 s 13 are each amended to read
13 as follows:

14 Except for regulations under section 1 of this act, the director
15 shall hold a public hearing upon a proposal to (~~promulgate~~) adopt any
16 new or amended (~~regulation~~) rule under this chapter. The procedure
17 to be followed concerning such hearings shall comply in all respects
18 with chapter 34.05 RCW (administrative procedure act) as now enacted or
19 hereafter amended.

20 **Sec. 7.** RCW 69.04.880 and 1991 c 162 s 2 are each amended to read
21 as follows:

22 Except for violations of section 1 of this act, whenever the
23 director finds that a person has committed a violation of a provision
24 of this chapter, the director may impose upon and collect from the
25 violator a civil penalty not exceeding one thousand dollars per
26 violation per day. Each and every such violation shall be a separate
27 and distinct offense. Imposition of the civil penalty shall be subject
28 to a hearing in conformance with chapter 34.05 RCW.

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