

107TH CONGRESS  
2D SESSION

# H. R. 4816

To assign liability for injury caused by genetically engineered organisms.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2002

Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFazio, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON of California, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, and Ms. LEE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To assign liability for injury caused by genetically engineered organisms.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Genetically Engineered  
5   Organism Liability Act of 2002”.

### 6   **SEC. 2. FINDINGS.**

7       The Congress finds the following:

1           (1) The negative consequences of genetically en-  
2           gineered crops may impact farmers who grow these  
3           crops, neighbor farmers who do not grow these  
4           crops, and consumers.

5           (2) Biotech companies are selling a technology  
6           that is being commercialized ahead of the new and  
7           unknown science of genetic engineering.

8           (3) Farmers may suffer from crop failures,  
9           neighbor and nearby farmers may suffer from cross  
10          pollination, increased insect resistance, and un-  
11          wanted volunteer genetically engineered plants, and  
12          consumers may suffer from health and environ-  
13          mental impacts.

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

17 **SEC. 3. LIABILITY.**

18          (a) CAUSE OF ACTION.—A biotech company is liable  
19          to any party injured by the release of a genetically engi-  
20          neered organism into the environment if that injury re-  
21          sults from that genetic engineering. The prevailing plain-  
22          tiff in an action under this subsection may recover reason-  
23          able attorney’s fees and other litigation expenses as a part  
24          of the costs.

1       (b) INDEMNITY.—For the purposes of subsection (a),  
2 the term “injury” includes any liability of a person who  
3 uses that organism in accordance with applicable Federal  
4 and other law, if that liability arises from that use.

5       (c) NOT WAIVABLE.—The liability created by sub-  
6 section (a) may not be waived or otherwise avoided by con-  
7 tract.

8       (d) DEFINITION.—As used in this section, the term  
9 “biotech company” means a person—

10           (1) engaged in the business of genetically engi-  
11       neering an organism; or

12           (2) obtaining the patent rights to such an orga-  
13       nism for the purposes of commercial exploitation of  
14       that organism.

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