

House Concurrent Resolution No. 8

93RD GENERAL ASSEMBLY

3036L.021

1 **Whereas**, in May 2003, the Center for Food Safety initiated a project to determine
2 the extent to which American farmers have been impacted by litigation arising from the use of
3 patented genetically engineered crops; and
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5 **Whereas**, at the conclusion of the project, the Center for Food Safety found that
6 heavy-handed investigations and ruthless prosecutions by agricultural biotech companies have
7 fundamentally changed the way many American farmers farm; and
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9 **Whereas**, through the use of technology agreements entered into at the time of
10 purchase, agricultural biotech companies are permitted to conduct property investigations,
11 expose farmers to huge financial liability, bind farmers to the agricultural biotech company's
12 oversight for multiple years, and include conditions that effectively define what rights a farmer
13 does and does not have in planting, harvesting, and selling genetically-engineered seed; and
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15 **Whereas**, these technology agreements have led to numerous lawsuits for breach
16 of contract or patent infringement. The lawsuits are not limited to farmers who plant the
17 patented seed; farmers have been sued after their field was contaminated by pollen or seed from
18 another person's genetically-engineered crop, when genetically-engineered seed from a previous
19 year's crop has spouted or volunteered in fields planted with nongenetically-engineered varieties
20 the next year, and when the farmer never signed the technology agreement but planted patented
21 seed; and
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23 **Whereas**, because of the way patent law has been applied, these farmers are
24 technically liable, even if they never signed a technology agreement; and
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26 **Whereas**, as growing numbers of farmers are subjected to harassment,
27 investigation, and prosecution by agricultural biotech companies over supposed infringement of
28 seed patents and technology agreements, the future of America's farmers and farming
29 communities is being placed in jeopardy; and

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31 **Whereas**, while passing local and state-wide bans or moratoriums on plantings of
32 genetically-engineered crops is one solution, amending the Patent Act and Plant Variety
33 Protection Act so that genetically engineered plants will no longer be patentable subject matter,
34 so that seed saving is not considered patent infringement, and to prevent farmers from being
35 liable for patent infringement through biological pollution is preferable to preventing farmers
36 from planting genetically-engineered crops:

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38 **Now, therefore, be it resolved** that the members of the House of
39 Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate
40 concurring therein, hereby urge the United States Congress to amend the Patent Act and Plant
41 Variety Protection Act as applied to patented genetically-engineered agricultural products to end
42 the harassment, investigations, and prosecutions by agricultural biotech companies over
43 supposed patent infringement of its seed patents and technology agreements; and

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45 **Be it further resolved** that the Chief Clerk of the Missouri House of
46 Representatives be instructed to prepare a properly inscribed copy of this resolution for each
47 member of the Missouri Congressional Delegation.