

HB 680 -- Private Investigations of Farm Commodities

Sponsor: Shively

This bill establishes procedures that a patent holder of genetically-modified seed must follow before entering onto private farmland to take plant samples. The patent holder must:

- (1) Notify the farmer in writing of the allegation that a breach of contract or patent infringement has occurred and request the farmer's permission to enter upon his or her land;
- (2) Provide a copy of the notification to the Director of the Department of Agriculture;
- (3) Obtain written consent from the farmer; and
- (4) Inform the farmer in writing of all the procedural requirements and any action that may be legally taken by the farmer and the patent holder.

The farmer must grant or refuse to grant access in writing within 10 days of the receipt of the request. If the farmer refuses, the patent holder can petition the circuit court in the county in which the alleged breach of contract or patent infringement has occurred for permission to enter the farmer's land. The patent holder can also seek a protective order if he or she believes that the crop to be sampled may be intentionally damaged or destroyed. Upon receiving permission from either the court or the farmer, the patent holder can enter the farm and obtain plant samples. The department director, or his or her designee, must be present for the sampling if requested by either party and may conduct the sampling. If the department charges a fee for participation in the sampling or testing, any costs will be the responsibility of the patent holder. The results of any testing must be sent by registered letter to all parties within 30 days of the results being reported from the testing laboratory.

A patent holder violating any provision of the bill will be subject to a penalty of not less than \$50,000 for each violation.

A farmer on whose property is found evidence of a patented genetically-modified plant is immune from liability if the farmer didn't knowingly buy or acquire the genetically-modified seed, otherwise acted in good faith, and the plant presence was minimal.

Any contract for the purchase of genetically-modified seed not complying with the requirements of the bill will be null and void.