

Title 10A AGRICULTURE

CHAPTER 10A.15 PROHIBITION ON THE PROPAGATION, CULTIVATION, RAISING AND GROWING OF GENETICALLY MODIFIED ORGANISMS IN MENDOCINO COUNTY

Sec. 10A.15.010 Finding.

The people of Mendocino County wish to protect the County's agriculture, environment, economy, and private property from genetic pollution by genetically modified organisms. (Measure H-2004, passed March 2, 2004.)

Sec. 10A.15.020 Prohibition.

It shall be unlawful for any person, firm, or corporation to propagate, cultivate, raise, or grow genetically modified organisms in Mendocino County. (Measure H-2004, passed March 2, 2004.)

Sec. 10A.15.030 Definitions.

(A) "Agricultural Commissioner" means the Agricultural Commissioner of Mendocino County.

(B) "DNA" or "deoxyribonucleic acid" means a complex protein that is present in every cell of an organism and is the "blueprint" for the organism's development.

(C) "Genetically modified organisms" means specific organisms whose native intrinsic DNA has been intentionally altered or amended with non-species specific DNA. For purposes of this Chapter, genetic modification does not include organisms created by traditional breeding or hybridization, or to microorganisms created by moving genes or gene segments between unrelated bacteria.

(D) "Organism" means any living thing.

(Measure H-2004, passed March 2, 2004.)

Sec. 10A.15.040 Penalties.

(A) The Agricultural Commissioner shall notify any person, firm, or corporation that may be in violation of Section 10A.15.020 of this Chapter, that any organisms in violation of this Chapter are subject to confiscation and destruction.

(B) Any person, firm, or corporation that receives notification under subsection (A) shall have five (5) days to respond to such notification with evidence that such organisms are not in violation of this Chapter.

(C) Upon receipt of any evidence under subsection (B), the Agricultural Commissioner shall consider such evidence and any other evidence that is presented or which is relevant to a determination of such violation. The Agricultural Commissioner shall make such determination as soon as possible, but at least before any genetic pollution may occur.

(D) Upon making a determination that a violation of this Chapter exists, the Agricultural Commissioner shall cause to be confiscated and destroyed any such organisms that are in violation of this Chapter before any genetic pollution may occur.

(E) If the Agricultural Commissioner determines there has been a violation of this Chapter, in addition to confiscation and destruction of any organisms that are found to be in violation, the Agricultural Commissioner shall impose a monetary penalty on the person, firm, or corporation responsible for the violation, taking into account the amount of damage, any potential damage, and the willfulness of the person, firm, or corporation. (Measure H-2004, passed March 2, 2004.)