

ORDINANCE NO. _____

BILL NO. _____ (2009)

A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, TO PROHIBIT GENETICALLY ENGINEERED KALO (TARO)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 20, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

"Chapter 20.38

PROHIBITION OF GENETICALLY ENGINEERED KALO (TARO)

Sections:

20.38.010	Definitions
20.38.020	Findings
20.38.030	Prohibition
20.38.040	Penalty
20.38.050	Administrative rules
20.38.060	Administrative enforcement

20.38.010 Definitions. For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used in this chapter are defined as follows:

"Genetic engineering" means altering a life form or its living progeny at the nucleic acid level through the use of techniques collectively referred to as recombinant DNA technology.

"Genetically engineered kalo" means kalo that has been created or modified through genetic engineering. It does not include non-living or non-reproducing kalo or products.

"Kalo" means those species within the genus *Colocasia*.

"Recombinant DNA" means the transfer of genes, regulatory sequences, or nucleic acid between hosts by the use of vectors or laboratory manipulations and includes the insertion, excision, duplication, inactivation, or relocation of specific genes, regulatory sequences, or sections of nucleic acid. This term does not apply to a material or an organism developed

exclusively through traditional methods of breeding, hybridization, or nondirected mutagenesis.

"Release" means a discharge, emission, or liberation of any genetically engineered kalo, or the product of a genetically engineered organism, into the open environment.

20.38.020 Findings. A. Kalo has cultural significance to the indigenous people of Hawaii and this cultural identification with kalo will suffer irreparable harm if non-genetically engineered kalo is contaminated by genetically engineered organisms.

B. Adequate safeguards do not exist to prevent contamination of non-genetically engineered kalo with genetically engineered organisms.

C. There is no legal recourse for kalo farmers who cultivate non-genetically engineered kalo if their kalo is contaminated by genetically engineered organisms.

D. There is no legal requirement to label genetically engineered kalo, thus limiting the choices of a kalo farmer.

20.38.030 Prohibition. It is unlawful for any person to test, propagate, cultivate, raise, plant, grow, introduce, transport, or release genetically engineered kalo.

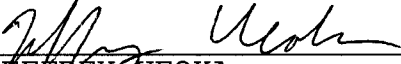
20.38.040 Penalty. Any person who violates any provision of this chapter shall, upon conviction, be guilty of a petty misdemeanor subject to a fine up to \$1,000 or imprisonment for not more than thirty days, or both.

20.38.050 Administrative rules. The director of environmental management may adopt administrative rules to implement this chapter, pursuant to chapter 91, Hawaii Revised Statutes.

20.38.060 Administrative enforcement. In lieu of or in addition to, enforcement by criminal prosecution, the director of environmental management may enforce this chapter pursuant to section 19.530.030 of this code, relating to administrative enforcement."

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui
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