

**ORDINANCE NO. \_\_\_\_\_**

An ordinance adding Article 3 to Chapter XIX of the Los Angeles Municipal Code regulating the propagation, cultivation, raising, growth and sale of Genetically Modified Organisms.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 3 is added to Chapter XIX of the Los Angeles Municipal Code to read as follows:

**ARTICLE 3**

**GENETICALLY MODIFIED ORGANISMS**

**SEC. 196.00. PURPOSE.**

The City of Los Angeles, desiring to protect the natural environment, the private property rights of land owners, and the health, safety and welfare of those who live, work and visit the City, deems it necessary to restrict the cultivation and sale of genetically modified crops and other organisms (GMO) within the City limits.

The City of Los Angeles further declares as a goal of the City to fashion an agricultural landscape that is as sustainable as the natural eco-system. By establishing Los Angeles as a "GMO-Free Zone," the City seeks to protect the availability of healthy, local and non-GMO foods, including vegetable varieties with cultural heritage or heirloom designation.

More than 90 scientists from the European Network of Scientists for Social and Environmental Responsibility recently released a statement saying, "As scientists, physicians, academics, and experts from disciplines relevant to the scientific, legal, social and safety assessment aspects of genetically-modified organisms (GMOs), we strongly reject claims by GM seed developers and some scientists, commentators and journalists that there is a 'scientific consensus' on GMO safety and that the debate on this topic is 'over.' We feel compelled to issue this statement because the claimed consensus on GMO safety does NOT exist."

The City has legitimate concerns about people's allergic reactions to products containing GMOs, the negative environmental impacts of increased pesticide use, the creation of pesticide-resistant super bugs and super weeds and the problems resulting from mono-cropping. As a City, we should protect seed diversity, so that if one strain of a plant fails, another will still be available. For instance, in 1903, there were 307 varieties of sweet corn in existence. By 1983, only 12 existed. That is the wrong direction for an environment that needs to remain resilient.

Date: 12/8/14  
Submitted in DPHAR Committee  
Council File No: 13-1374  
Item No: 6  
Deputy: Adam R. Lid

BY \_\_\_\_\_ DEPUTY

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The City of Los Angeles has an additional responsibility to protect the City's backyard and community farmers from the threats of contamination by GMO crops. GMO pollen in wind-pollinated plants like corn and beets spreads without regard to property lines and can contaminate organic crops, thereby destroying the value of the organic designation. In many cases across the country, GMO crops have contaminated non-GMO varieties without the consent of farmers, putting them at economic risk due to lost markets, and under threat of litigation from GMO seed patent and license holders.

GMO crops that have not been approved for sale are being grown throughout the country in "field trials." But, these crops are not static. Pollen gets picked up by the wind and insect pollinators and is carried great distances. Recently, the United States Department of Agriculture (USDA) announced that unapproved GMO wheat had been found growing at a Montana State University research center. A separate USDA report stated that GMO wheat recently was discovered by a farmer in Oregon. The report said that the USDA did not know where the wheat originated. The discovery of GMO wheat in Oregon caused area farmers to lose their export markets.

Over the past several years, GMO contamination has already jeopardized millions of dollars in exports for American farmers, including exports through the Ports of Los Angeles and Long Beach, where goods are shipped to international markets, including Asia. The City of Los Angeles has a strong interest in protecting those markets. By taking a public stand, the City is declaring protections for its port exports and port jobs, and would join over 60 countries around the world that have taken some form of action to label or prohibit the growth of GMO crops, including the European Union, Mexico, China, Japan, Bangladesh, India and Russia.

With the recent decline in the amount of farmland across the country, the City and State have focused on the importance of growing and promoting our local food systems. The City of Los Angeles is moving to allow residents to grow edible plants and fruit trees in our parkways. The Los Angeles Food Policy Council has been developing its Healthy Neighborhood Markets network ensuring that fresh, healthy fruits and vegetables are available in underserved communities. The City is working toward the implementation of Assembly Bill 551, which creates Urban Agriculture Incentive Zones where property owners who allow their land to be used for agricultural purposes can receive tax breaks. Similarly, last year, Governor Jerry Brown signed into law Assembly Bill 1616, which allows certain low risk foods, primarily made from fruits and vegetables, known as Cottage Foods, to be produced in private homes and sold to the public.

Planting genetically engineered crops is not an accepted method of farming among certified organic farmers who use organic farm practices. In order to acquire and maintain their organic certification, these farmers must comply with USDA regulations and certifications, which explicitly ban the use of genetically engineered organisms. Therefore, farming practices that utilize GMOs compromise the welfare of the organic farmers in the City of Los Angeles. Our urban farmers and our Cottage

Food movement need the protection of a GMO-Free zone, allowing those operators to thrive now and into the future.

## **SEC. 196.01. DEFINITIONS.**

The following definitions shall apply to this Article:

A. **"DNA"** means deoxyribonucleic acid, the double-stranded material naturally found within living cells which contains the genetic code and transmits hereditary patterns.

B. **"RNA"** means ribonucleic acid, the single-stranded material naturally found within living cells which transmits genetic information from DNA to proteins produced by the cell.

C. **"Organism"** means any living thing, exclusive of human beings and human fetuses.

D. **"Genetic Engineering"** or **"Genetically Engineered"** means modification of living plants and organisms by genetic altering, engineering or amending DNA using recombinant DNA technology, including but not limited to: (1) gene deletion; (2) gene doubling; (3) introducing a foreign gene; (4) changing the position of genes; (5) cell fusion (including protoplast fusion); (6) microencapsulation; (7) gene splicing; (8) hybridization techniques that overcome natural physiological, reproductive or recombination barriers, where the donor cells/protoplasts do not fall within the same taxonomic family, in a way that does not occur by natural multiplication or natural recombination; (9) "in vitro nucleic acid techniques," including but not limited to recombinant DNA or RNA techniques that use vector systems; (10) techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as microinjection, macro-injection, chemoporation, electroporation, microencapsulation and liposome fusion; and (11) any other technology or technique that results in an organism that contains genes from more than one species, or genes that are not naturally occurring. "Genetic Engineering" does not include traditional selective breeding, conjugation, fermentation, hybridization or normal in vitro fertilization.

E. **"Genetically Modified Organism"** means an organism, or the offspring of an organism, the DNA of which has been altered or amended through Genetic Engineering.

F. **"Plants"** means trees, shrubs, herbs, grasses, ferns, and mosses and is used interchangeably with "Crops" in this Article.

G. **"Seed"** means a living embryonic plant enclosed in a covering called the seed coat that can be developed into a seedling through germination

or another similar process. "Seed" does not include those whole seeds or grains that are packaged as food meant for human consumption, or that are biologically unable to reproduce through pollination or Seed dispersal.

H. "Person" means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality or any other legal or commercial entity, whether domestic or foreign.

#### **SEC. 196.02. PROHIBITION.**

A. No Person shall propagate, cultivate, raise or grow a Genetically Modified Organism in the City of Los Angeles, or allow, knowingly or negligently, such activities to occur on one's land within the City of Los Angeles, except as provided in Section 196.03.

B. No Person shall cause or allow, intentionally or negligently, any Genetically Modified Organisms from within or outside of the City of Los Angeles to enter, drift or be dispersed into and within the City of Los Angeles, in such a way as to risk genetic contamination of natural Organisms within the jurisdiction of the City of Los Angeles.

C. No Person shall sell the Seeds, plants or trees of any Genetically Modified Organism to any Person within the City of Los Angeles except as authorized by law. Nothing in this Article prohibits a Person from selling Genetically Engineered seeds or grains packaged as food meant for human consumption. Nothing in this Article prohibits a Person from selling Genetically Engineered animal feed or agricultural products that are biologically unable to reproduce through pollination or Seed dispersal.

D. Violation of this section shall constitute a misdemeanor.

E. Any act in violation of this section is declared to constitute a public nuisance.

#### **SEC. 196.03. EXEMPTIONS.**

A. State or federally licensed medical research institutions, medical laboratories or medical manufacturing facilities engaged in licensed medical production or medical research involving Genetically Modified Organisms are exempt from this Article, provided that such activities are conducted under secure, enclosed indoor laboratory conditions with reasonable care taken to prevent release of any part of any Genetically Modified Organism, especially but not limited to pollen, to the outside environment. Reasonable care is the level of care consistent with the professional skill ordinarily provided by researchers working in the same or similar locality under the same or similar circumstances.

B. Educational or scientific institutes, including but not limited to the University of California, Los Angeles and the University of Southern California, working with Genetically Modified Organisms are exempt from this Article provided that such activities are conducted under secure, enclosed indoor laboratory conditions with reasonable care taken to prevent release of any part of any Genetically Modified Organism, especially but not limited to pollen, to the outside environment. Reasonable care is the level of care consistent with the professional skill ordinarily provided by researchers working in the same or similar locality under the same or similar circumstances.

C. Licensed health practitioners working with Genetically Modified Organisms for the purpose of providing diagnosis, care or treatment to any human patient are exempt from this Article.

D. Farms or other agricultural operations that currently propagate, cultivate, raise or grow Genetically Modified Organisms are exempt for the first 12 months from the effective date of this Article. All existing Genetically Modified Organism crops must be harvested, destroyed or removed from the City of Los Angeles by January 1, 2016.

E. Any institution listed in Subsection (A) or (B) above that intentionally or negligently allows release of any part of Genetically Modified Organisms into the outside environment is in violation of this Article and subject to enforcement as set forth herein.

#### **SEC. 196.04. ENFORCEMENT.**

A. Nothing in Section 196.03(D) shall be construed to permit any Person who is not already propagating, cultivating, raising or growing Genetically Modified Organisms in the City to begin to do so after this Article takes effect.

B. Nothing in Section 196.03(D) shall be construed to permit any Person who is already propagating, cultivating, raising or growing Genetically Modified Organisms in the City to propagate, cultivate, raise or grow any Genetically Modified Organisms not already living and established in the City, or otherwise to begin any new activity prohibited by Section 196.02 after this Article takes effect.

C. By resolution, the City Council shall designate one or more persons to administer and enforce the provisions of this Article, herein referred to as the Code Enforcement Officer.

D. The Code Enforcement Officer may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Article.

E. The Code Enforcement Officer shall notify any Person that may be in violation of this Article that any Genetically Modified Organisms that violate this Article constitute a public nuisance, and shall be subject to confiscation, destruction, quarantine and nuisance abatement penalties. The Code Enforcement Officer shall develop an administrative hearing procedure to afford due process to Persons notified that they are in violation of this Article.

F. Any Person that receives notification under Subsection (E) shall have 15 days to respond to such notification with evidence that such Organisms are not in violation of this Article, or have been destroyed or entirely removed from the City of Los Angeles.

G. Upon receipt of any evidence under Subsection (F), the Code Enforcement Officer shall consider such evidence and any other evidence that is presented or which is relevant to a determination of such violation. Within five days of receipt of such evidence, the Code Enforcement Officer shall determine if the Organisms are in violation of this Article, or have been destroyed or removed.

H. Upon making a determination that a violation of this Article exists, the Code Enforcement Officer thereafter shall promptly take all actions necessary to ensure that such Organisms do not cause genetic contamination or other harm, including but not limited to the following: confiscation, destruction or quarantine. Such action shall be undertaken during daylight hours.

I. Any Person knowingly and willfully responsible for a violation of this Article may be held responsible for administrative and abatement costs. Costs of enforcement shall not be imposed upon any Person whose violation is not knowing and willful, nor shall costs be imposed for enforcement for crops planted in the City prior to the effective date of this Article.

J. The provisions of this Article are cumulative, and nothing in this Article affects any other remedies that any individual or government entity may have against any Person resulting from a violation of this Article.

#### **SEC. 196.05. SEVERABILITY.**

If any portion, subsection, sentence, clause or phrase of this Article is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The City Council hereby declares that it would have passed this Article and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 2. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of public peace, health and safety for the following reason: In order for the City of Los Angeles to protect its residents and its

natural ecosystem from the environmental and economic harm caused by the cultivation of GMO crops and to ensure that these Code sections take effect prior to the state's pending implementation of less stringent environmental controls, the amendments to the Los Angeles Municipal Code as reflected in this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.



Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, City Clerk


By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  \_\_\_\_\_  
MICHAEL DUNDAS  
Deputy City Attorney

Date 12/8/2014

File No. CF 13-1374