



Jeff Grim

Bill Analysis

Legislative Service Commission

S.B. 252

125th General Assembly
(As Introduced)

Sen. Dann

BILL SUMMARY

- Requires a farmer who plants patented seed and seeks to retain seed from the harvest for replanting purposes to register with and pay a fee to the Department of Agriculture, and establishes a qualified immunity for a farmer who plants patented seed.

CONTENT AND OPERATION

Under the bill, a farmer who plants patented seed and seeks to retain seed from the harvest of the planting for replanting purposes, regardless of where the seeds are to be replanted or by whom, must register with the Department of Agriculture on a form prescribed and provided by the Director of Agriculture (sec. 907.50(B)). "Patented seed" means seed for which a patent has been issued by the United States Patent and Trademark Office (sec. 907.50(A)). On the form, the farmer must specify the type of seed and the number of bushels of seed to be retained for replanting purposes. The farmer must include with the form a fee of \$7 per bushel of seed to be retained. (Sec. 907.50(B).)

The bill creates the Genetically Engineered Seed Fund in the state treasury into which all money collected by the Director from the per-bushel fees must be deposited. The Fund must be used for specified purposes (see below). (Sec. 907.50(C).)

Under the bill, the Director must determine who holds the patent on each bushel of seed for which a fee is collected. In making the determination, the Director may consult with the United States Patent and Trademark Office or the United States Department of Agriculture. (Sec. 907.50(D).)

The bill requires the Director to distribute each per-bushel fee that is deposited in the Genetically Engineered Seed Fund as follows:

(1) Six dollars of the fee must be paid on a quarterly basis to the person who holds the patent on the seed that was the subject of the fee.

(2) One dollar of the fee must be used to defray the Department of Agriculture's administrative costs associated with the registration of patented seed. The Director must certify any amounts that are not needed to defray those costs to the Director of Budget and Management, who must pay the certified amounts from the Genetically Engineered Seed Fund to an appropriate program of The Ohio State University for purposes of agricultural research and development. (Sec. 907.50(E).)

Under the bill, a farmer who plants patented seed is immune from liability in a civil suit for any death or injury or loss to person or property that is related to any health, safety, or environmental impacts of the patented seed unless the farmer purposely or negligently fails substantially to follow the patent holder's and manufacturer's instructions and guidelines for planting the seed (sec. 907.50(F)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-03-04	p. 2098

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