

Introduced by

Representatives Lemieux, Kempenich, Lloyd, Pietsch

Senators G. Nelson, Wardner

1 A BILL for an Act relating to the sampling of genetically modified crops.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1. Genetically modified seed - Patent infringement - Sampling -**  
4 **Mediation.**

- 5 1. Before a person holding a patent on a genetically modified seed may enter upon  
6 the land of another for the purpose of obtaining crop samples to determine whether  
7 patent infringement has occurred, the person holding the patent must:
- 8 a. Obtain the written permission of the landowner or lessee; or  
9 b. Obtain an order from a district court having jurisdiction over the area in which  
10 the land is located.
- 11 2. Unless a shorter period of time is agreed to in writing, the obtaining of samples  
12 whether under written permission from the landowner or lessee or under a court  
13 order may not be conducted until a period of at least ten days has passed from the  
14 time that the landowner or lessee gave written permission or from the time a court  
15 order was issued.
- 16 3. At the request of the landowner or lessee, an agent of the county extension service  
17 shall accompany the person holding the patent at the time any sample is taken.  
18 The landowner or lessee also may accompany the person holding the patent at the  
19 time any samples are taken.
- 20 4. The person holding the patent may obtain no more samples than those reasonably  
21 necessary to make a determination regarding patent infringement. An equal  
22 number of samples must remain in the custody of the county extension agent for  
23 future comparison and verification purposes.

- 1           5.    The person holding the patent shall conduct all tests, to determine whether patent  
2                infringement has occurred, at or by an independent laboratory within five days from  
3                the date the samples are taken. The person holding the patent shall notify the  
4                landowner or lessee of the test results, by certified mail, within ten days from the  
5                date the samples were taken. If the person holding the patent fails to comply with  
6                the dates set forth in this subsection, all claims against the landowner or lessee for  
7                patent infringement are waived.
- 8           6.    If the landowner or lessee disagrees with the findings of the independent  
9                laboratory, the landowner or lessee may require the person holding the patent to  
10              participate in mediation of the matter. The mediation must be conducted by the  
11              agricultural mediation service.
- 12          7.    If the case is not settled after mediation, either party may bring a claim for relief in  
13              in the district court having jurisdiction over the area in which the land is located.