

## **APPENDIX 2: STATE LAWS ON NANOTECHNOLOGY**

A preliminary survey of state laws indicates that states have launched a range of initiatives to promote the nanotechnology industry. These initiatives range from policy statements in support of nanotechnology to specific funding mechanisms for research and development. To date, however, states have not enacted statutory authorities that specifically address the environmental, health and safety aspects of nanotechnology. The survey did not examine existing state authorities that could be used to regulate nanotechnology but are not nanotechnology-specific. The following are some examples of state laws that specifically address nanotechnology:

- ❖ Arkansas
  - ARK. CODE ANN. § 15-4-2102(f)(2): Finds that it is in Arkansas' best interest to “[e]ncourage the application of **nanotechnology** to: (A) Biotechnology and agriculture; (B) Manufacturing and materials; (C) Medicine and health; (D) Photonics; (E) Nanoelectronics and computer technology; (F) Environment and energy; (G) Aeronautics and space; and (H) National security.”
  - ARK. CODE ANN. § 15-4-2104(a): Establishes a tax credit for “any Arkansas taxpayer for the cost of a facility located in Arkansas which designs, develops, or produces photovoltaic devices, electric vehicle equipment, fuel cells, microturbines, Stirling engines, or devices which are reliant upon **nanotechnology**.”
- ❖ California
  - CAL. EDUC. CODE § 88500(1): Includes **nanotechnology**, among other areas, to be a “strategic priority area” to be “explored if new or additional funding becomes available” as part of the California Community Colleges Economic and Workforce Development Program.
- ❖ Massachusetts
  - MASS. GEN. LAWS ch. 23G, § 27(a)&(c): Establishes Emerging Technologies Fund and defines **nanotechnology** as an emerging technology industry.
  - MASS. GEN. LAWS ch. 40J, § 4F(a): Establishes the Massachusetts Research Center Matching Fund to support Centers of Excellence “research and innovations in targeted emerging technologies... [i]n the first year, 3 such Centers shall target the research and development of medical devices, **nanotechnology** and biotechnology.”
- ❖ New York
  - N.Y. EXEC. LAW §§ 209, 209-r: Defines **nanotechnology** as an “enabling science” and creates Gen\*NY\*sis program “to assist

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research and technology development programs in the life sciences or in enabling sciences.”

- ❖ Oklahoma
  - OKLA. STAT. tit. 74, § 5060.1a(A)(2): Establishes as a goal for Oklahoma Science and Technology Research and Development Board to enhance “the lives of, and expanding opportunities for, all Oklahomans through growth of information technology, biotechnology, **nanotechnology** and sensors industries and infrastructure throughout the urban and rural areas of the state.”
- ❖ Oregon
  - 2003 Or. Laws 725 § 11(4)(b): Appropriates \$500,000 for the Portland State University Center for Nanoscience and **Nanotechnology**.
  - Or. Rev. Stat. § 351.509: establishes Portland State University Center for Nanoscience and **Nanotechnology** Account.
- ❖ Pennsylvania
  - PA. STAT. ANN. tit. 24 § 6250.902(c): For programs to be considered “innovative programs” and eligible for Workforce Leadership Grants, “[t]he application and use of **nanotechnology** shall be an integral part of postsecondary instruction with exposure to this technology for students at the secondary level.”
- ❖ South Carolina
  - S.C. CODE ANN. § 2-75-90(A)&(B): Authorizes research universities to use matching funds from the Centers for Excellence Matching Endowment to endow professorships in the area of **nanotechnology**.
- ❖ Texas
  - TEX. GOV’T CODE ANN. § 481.0296(a): Establishes that the Texas Economic Development and Tourism Office “shall coordinate state efforts to attract, develop, or retain technology industries in this state in certain sectors, including...**nanotechnology**. ”
  - TEX. GOV’T CODE ANN. § 489.213(b): Establishes that the Texas Economic Development Bank “shall give special preference to products or businesses in the areas of semiconductors, **nanotechnology**, biotechnology, and biomedicine that have the greatest likelihood of commercial success, job creation, and job retention in this state.”
  - TEX. GOV’T CODE ANN. § 489.213(e): Authorizes the Product Development and Small Business Incubator Board to “appoint an advisory committee of experts in the areas of semiconductors,

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**nanotechnology**, biotechnology, and biomedicine to review projects and businesses seeking financing from the bank.”

- TEX. GOV’T CODE ANN. § 489.213(h): Establishes that “[a]ny business in this state is eligible for funding distributed through the small business incubator fund if it is determined that the business is substantially likely to develop and expand the opportunities for small businesses in the semiconductor, **nanotechnology**, biotechnology, or biomedicine industry in this state.”
- ❖ Virginia
  - VA. CODE ANN. § 2.2-225: Creates the position of Secretary of Technology with the authority to “[e]nsure the Commonwealth remains competitive in cultivating and expanding growth industries, including life sciences, advanced materials and **nanotechnology**, biotechnology, and aerospace.”