

A-Engrossed
Senate Bill 234

Ordered by the Senate April 18
Including Senate Amendments dated April 18

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for State Department of Agriculture)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes Director of Agriculture and appointee of Director of Human Services to enter into memoranda of understanding or other intergovernmental agreements to further collaboration between state and federal agencies, and to increase state input, regarding biopharmaceutical crop issues and requirements of specific interest to state. Authorizes director and appointee involvement in regulation of biopharmaceutical crop permits and operation to extent authorized under **federal and state law**, or memoranda of understanding or other intergovernmental agreements.

Provides that fees charged to biopharm permit applicants or holders be deposited in Department of Agriculture Service Fund and are continuously appropriated to State Department of Agriculture for purpose of oversight, services or activities related to biopharmaceutical crops.

A BILL FOR AN ACT

1
2 Relating to production of biopharmaceutical crops in Oregon; creating new provisions; amending
3 ORS 561.144; and appropriating money.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. As used in this section and section 2 of this 2007 Act:**

6 (1) **"Biopharm permit" means a permit issued by the United States Department of Agri-**
7 **culture for the production of a biopharmaceutical crop.**

8 (2) **"Biopharmaceutical crops" means plants that have been genetically modified using a**
9 **recombinant DNA process to produce vaccines, drugs, enzymes or other medicinal com-**
10 **pounds.**

11 (3) **"Recombinant DNA process" means a process in which segments of deoxyribonucleic**
12 **acid from different organisms are joined together to create recombinant DNA molecules that**
13 **have the capacity to replicate in some host cell, either autonomously or as an integrated part**
14 **of the host genome.**

15 **SECTION 2. (1) The Director of Agriculture and an appointee of the Director of Human**
16 **Services who has experience in health program administration may enter into memoranda**
17 **of understanding or other intergovernmental agreements on behalf of this state for the**
18 **purpose of furthering collaboration between this state and federal agencies that regulate the**
19 **growing of biopharmaceutical crops. A memorandum or other agreement entered into under**
20 **this section shall be designed to increase state input to the federal biopharm permitting**
21 **system on biopharmaceutical crop issues and requirements of specific interest to this state.**

22 (2) **To the extent authorized under federal and state law, or under any memorandum of**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **understanding or other agreement entered into under subsection (1) of this section, the Di-**
2 **rector of Agriculture and the appointee of the Director of Human Services, or their**
3 **designees:**

4 (a) **Notwithstanding ORS 192.410 to 192.505, shall refuse to disclose any biopharm permit**
5 **application or related biopharmaceutical crop information received from the United States**
6 **Department of Agriculture’s Animal and Plant Health Inspection Service, or from any suc-**
7 **cessor to that service, that the United States Department of Agriculture has determined to**
8 **be confidential business information.**

9 (b) **May review biopharm permit applications and biopharmaceutical crop information**
10 **submitted to the United States Department of Agriculture.**

11 (c) **May administer and conduct site inspections and monitoring of any biopharmaceutical**
12 **crops grown in Oregon.**

13 (d) **If there is evidence that biopharmaceutical crops are endangering Oregon agriculture,**
14 **horticulture or forest production or public health, may take appropriate enforcement action.**

15 (e) **May charge a biopharm permit applicant or holder fees for state oversight, services**
16 **or activities under this section. Fees charged under this paragraph may not total more than**
17 **\$10,000 and must be reasonably calculated to reimburse the state for the actual cost of the**
18 **oversight, services or activities. Fees collected under this paragraph shall be deposited to the**
19 **credit of the Department of Agriculture Service Fund and are continuously appropriated to**
20 **the State Department of Agriculture for the purpose of carrying out this section.**

21 **SECTION 3.** ORS 561.144 is amended to read:

22 561.144. (1) The State Treasurer shall establish a Department of Agriculture Service Fund which
23 shall be a trust fund separate and distinct from the General Fund. The State Department of Agri-
24 culture shall deposit all license and service fees paid to it under the provisions of the statutes
25 identified in subsection (3) of this section in the Department of Agriculture Service Fund. The State
26 Treasurer is the custodian of this trust fund which shall be deposited by the treasurer in such de-
27 positories as are authorized to receive deposits of the General Fund, and which may be invested by
28 the treasurer in the same manner as authorized by ORS 293.701 to 293.820.

29 (2) Interest received on deposits credited to the Department of Agriculture Service Fund shall
30 accrue to and become a part of the Department of Agriculture Service Fund.

31 (3) The license and service fees subject to this section are those described in ORS 561.400,
32 570.710, 571.057, 571.063, 571.145, 583.004, 583.046, 583.445, 583.510, 583.610, 585.050, 586.270, 586.580,
33 586.650, 596.030, 596.311, 599.235, 599.269, 599.406, 599.610, 601.040, 602.090, 603.025, 603.075, 616.706,
34 618.115, 618.136, 619.031, 621.072, 621.166, 621.266, 621.297, 621.335, 621.730, 622.080, 625.180, 628.240,
35 632.211, 632.425, 632.600, 632.720, 632.730, 632.741, 632.940, 632.945, 633.015, 633.029, 633.318, 633.362,
36 633.461, 633.471, 633.680, 633.700, 633.720, 634.016, 634.116, 634.122, 634.126, 634.132, 634.136, 634.212
37 and 635.030 **and section 2 of this 2007 Act.**