

House Bill 2122

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Governor John A. Kitzhaber 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 **as introduced**.

Prohibits importation of untreated firewood into state. Prohibits sales of unlabeled firewood. Requires State Department of Agriculture to adopt rules regulating importation, supplying and sale of firewood.

Makes violation of statute or department rules subject to civil penalty, not to exceed \$10,000. Directs deposit of civil penalty moneys into Invasive Species Control Account.

Applies to importation or other nonretail supplying of firewood, and to wholesale selling of firewood, that occurs on or after July 1, 2012. Applies to sales of firewood that retail seller acquires on or after July 1, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to firewood; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section, "firewood" means whole or split pieces of wood**
5 **less than 48 inches in length that are in a form commonly used for burning in campfires,**
6 **stoves or fireplaces.**

7 **(2) A person may not import firewood from any location outside of this state for use or**
8 **delivery to a destination within this state, unless the firewood has been treated in a manner**
9 **prescribed by the State Department of Agriculture.**

10 **(3) Except as provided in this subsection, a person may not sell firewood at wholesale for**
11 **delivery to a destination within this state, or sell firewood at retail within this state, unless**
12 **the firewood is labeled in a manner that identifies the source of the firewood and shows that**
13 **the firewood is from a source located in an area of this state that is not subject to**
14 **quarantine or that the firewood has been treated. The department may adopt rules for ex-**
15 **empting casual retail sales of firewood by private individuals from this section.**

16 **(4) An importer of firewood that is subject to this section, or a supplier of firewood from**
17 **an area of this state that is subject to quarantine, shall maintain records, certificates and**
18 **other documentation as required by the department showing the source, treatment and dis-**
19 **position of the firewood. A wholesale or retail seller of firewood that is subject to this section**
20 **shall maintain records as required by the department showing the source and provider of the**
21 **firewood. The department may inspect the records, inventory and facilities of an importer**
22 **or seller of firewood at any time during reasonable business hours and may take samples for**
23 **purposes of detecting potential pest or pathogen problems.**

24 **(5) The department shall adopt rules for carrying out this section.**

25 **SECTION 2. Violation of section 1 of this 2011 Act or a State Department of Agriculture**
26 **rule adopted under section 1 of this 2011 Act is subject to a civil penalty, not to exceed**
27 **\$10,000. The imposition of a civil penalty under this section is subject to ORS 183.745. Any**

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 civil penalty recovered under this section shall be deposited in the Invasive Species Control
2 Account established under ORS 570.810.

3 **SECTION 3.** (1) Section 1 of this 2011 Act applies to the importation or other nonretail
4 supplying of firewood, and to the wholesale selling of firewood, that occurs on or after July
5 1, 2012. Section 1 of this 2011 Act applies to the selling of firewood that a retail seller ac-
6 quires from a supplier on or after July 1, 2012.

7 (2) The State Department of Agriculture shall complete the adoption of temporary or
8 permanent initial rules regulating firewood importation and sales under section 1 of this 2011
9 Act in time for the rules to become effective on July 1, 2012.

10 **SECTION 4.** This 2011 Act being necessary for the immediate preservation of the public
11 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
12 on its passage.

13 _____