

House Bill 3130

Sponsored by Representative OLSON; Representatives DOHERTY, FREEMAN, JOHNSON, KRIEGER, SCHAUFLE, SPRENGER, THOMPSON, WHISNANT, Senators KRUSE, MORSE, WHITSETT

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**.

Creates rebuttable presumption that person convicted of violating controlled substance laws is unfit to receive or hold industrial hemp license or agricultural hemp production permit. Requires State Department of Agriculture to initiate proceeding for revoking license or permit and to refuse issuance or renewal of license or permit if grower, handler or applicant is or has been convicted of violating controlled substance laws.

A BILL FOR AN ACT

Relating to industrial hemp; creating new provisions; and amending ORS 571.315.

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

SECTION 1. ORS 571.315 is amended to read:

571.315. (1) In addition to any other liability or penalty provided by law, the State Department of Agriculture may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production permit and may impose a civil penalty for violation of:

(a) A license or permit requirement;

(b) License or permit terms or conditions;

(c) Department rules relating to growing or handling industrial hemp; or

(d) A final order of the department that is specifically directed to the grower's or handler's industrial hemp operations or activities.

(2) The department may not impose a civil penalty under this section that exceeds \$2,500. The department shall impose civil penalties under this section in the manner provided by ORS 183.745.

(3) The department may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production permit for violation of any rule of the department that pertains to agricultural operations or activities other than industrial hemp growing or handling.

(4) If an applicant, grower or handler is convicted of violating any provision of ORS 475.840 or 475.846 to 475.894 or any equivalent provision of federal law or the law of another state, there is a rebuttable presumption that the applicant, grower or handler does not meet occupational standards and is unfit to receive or hold an industrial hemp license or agricultural hemp seed production permit. If the department discovers that an applicant, grower or handler is or has been convicted of violating any provision of ORS 475.840 or 475.846 to 475.894 or any equivalent provision of federal law or the law of another state, the department shall initiate proceedings to revoke the industrial hemp license or agricultural hemp seed production permit and shall refuse to issue or renew the license or permit. For purposes of ORS 183.430, conviction for violating any provision of ORS 475.840 or 475.846 to 475.894 or an equivalent provision of federal law or the law of another state is prima facie evidence that renewal of the license or permit would be a serious danger to the public health or safety.

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 [(4)] (5) A revocation of, or a refusal to issue or renew, an industrial hemp license or an agri-
2 cultural hemp seed production permit is subject to ORS chapter 183.

3 **SECTION 2. The amendments to ORS 571.315 by section 1 of this 2011 Act apply to con-**
4 **victions for acts committed before, on or after the effective date of this 2011 Act.**

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