

House Bill 3314

Sponsored by Representative HOLVEY

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 genetically engineered fish and shellfish into this state. Prohibits cultivation or incubation of genetically engineered fish or shellfish in any body of water. Prohibits release or attempt to release genetically engineered fish or shellfish into any body of water.

A BILL FOR AN ACT

1
2 Relating to genetically engineered animals; creating new provisions; and amending ORS 498.222.

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

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 498.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **"Genetically engineered" means having a genetic structure that has been altered at**
7 **the molecular or cellular level through recombinant DNA or RNA techniques, gene deletion**
8 **or doubling, alteration of gene position or the introduction of exogenous genetic material or**
9 **by other means that are not possible under natural conditions or processes.**

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

14 (c) **"Shellfish" has the meaning given that term in ORS 506.011.**

15 **(2) A person may not:**

16 (a) **Import into, or transport within, this state any genetically engineered fish or**
17 **shellfish.**

18 (b) **Cultivate, incubate or induce to spawn in any body of water in this state any genet-**
19 **ically engineered fish or shellfish.**

20 (c) **Release or attempt to release into any body of water in this state any genetically**
21 **engineered fish or shellfish.**

22 **(3) This section does not apply to genetically engineered fish or shellfish that are used**
23 **for scientific research in an aquarium or other similar closed water system.**

24 **SECTION 3. ORS 498.222 is amended to read:**

25 498.222. (1) No person shall:

26 (a) Transport any live fish unless the person has first obtained a permit therefor from the State
27 Fish and Wildlife Commission.

28 (b) Release or attempt to release into any body of water any live fish that was not taken from
29 that body of water, unless the person has first obtained a permit therefor from the commission.

30 (2) The commission may refuse to issue the permit referred to in subsection (1)(b) of this section
31 if the commission finds that release of the fish into a body of water would adversely affect existing

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 fish populations.

2 (3)(a) Subsection (1)(a) of this section does not apply to live fish that are for aquaria use.

3 **(b) Subsection (1) of this section does not apply to genetically engineered fish covered by**
4 **the provisions of section 2 of this 2011 Act.**

5 (4) Notwithstanding ORS 496.992, violation of subsection (1)(b) of this section is:

6 (a) A Class C felony if the violation is committed intentionally or knowingly.

7 (b) A Class A misdemeanor if the violation is committed recklessly or with criminal negligence.

8 (5)(a) Notwithstanding ORS 497.415 (1), (2), (3) and (5), when a person is convicted of violating
9 subsection (1)(b) of this section, the court in which the conviction occurs shall notify the commis-
10 sion, which shall revoke all angling licenses and tags issued to that person pursuant to the wildlife
11 laws. Revocation of licenses and tags is in addition to and not in lieu of other penalties provided
12 by law.

13 (b) No person who has been convicted of violating subsection (1)(b) of this section shall apply
14 for, obtain or possess any angling license or tag issued pursuant to the wildlife laws within five
15 years after the conviction.

16 (6)(a) The commission may institute suit for the recovery of damages for the control or
17 eradication of live fish released into a body of water in violation of subsection (1)(b) of this section.
18 The damages awarded under this subsection shall be the amount necessary to return the body of
19 water to its condition prior to the violation.

20 (b) In any action under this subsection, the court shall award to the prevailing party, in addition
21 to costs and disbursements, reasonable attorney fees.

22 (c) Damages awarded under this subsection shall be in addition to other penalties prescribed by
23 the wildlife laws for releasing or attempting to release live fish without a permit.

24 (d) Any circuit or justice court has jurisdiction to try any case for the recovery of damages as
25 provided by this subsection.

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