

House Bill 2715

Sponsored by Representative BUCKLEY

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**.

Authorizes counties to establish control areas for commodities containing genetically engineered material.

A BILL FOR AN ACT

1
2 Relating to control areas for genetically engineered material.

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

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

5 (a)(A) **"Commodity" means:**

6 (i) **Any distinctive type of agricultural, horticultural, viticultural, vegetable, animal or**
7 **seafood product in a natural or unprocessed state; and**

8 (ii) **Bees and honey.**

9 (B) **"Commodity" does not mean biopharmaceutical crops as defined in ORS 561.738,**
10 **timber or timber products.**

11 (b) **"Genetically engineered material" means a substance derived from any part of a ge-**
12 **netically engineered organism, whether or not the altered molecular or cellular character-**
13 **istics of the organism are detectable in the substance.**

14 (c) **"Genetically engineered organism" means:**

15 (A) **A life form that has been altered at the molecular or cellular level by means that are**
16 **not possible under natural conditions or processes, except means consisting exclusively of**
17 **breeding, conjugation, fermentation, hybridization, in vitro fertilization, tissue culture or**
18 **mutagenesis; or**

19 (B) **A life form produced through sexual or asexual reproduction involving an initial life**
20 **form described in subparagraph (A) of this paragraph, if the life form produced possesses any**
21 **of the altered molecular or cellular characteristics of the initial life form.**

22 (2) **Except as provided in subsections (3) and (4) of this section, a county may establish**
23 **one or more control areas within the county for a commodity containing genetically engi-**
24 **neered material. The county may prohibit, limit or condition commercial or personal pro-**
25 **duction of the commodity, authorize the control or eradication of the commodity or exclude**
26 **the processing of the commodity within the control area.**

27 (3) **A county may not establish a control area for a commodity if the county is within a**
28 **quarantine area declared for the commodity by the United States Department of Agriculture.**
29 **If the county is within a quarantine area or control area for the commodity declared by the**
30 **State Department of Agriculture, the terms of the county control area may supplement, but**
31 **may not conflict with, the terms of the quarantine area or control area declared by the State**

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 Department of Agriculture or with any department rules and regulations. A county may not
2 use a control area to interfere with a commodity traveling in interstate commerce or to
3 prohibit a shipment of an article for which the State Department of Agriculture has issued
4 a shipment permit under ORS 561.545.

5 (4) A county may not impose the terms of a county control area to prohibit or interfere
6 with the production or marketing of a crop planted within the area prior to the date on
7 which the control area is established or to prohibit or interfere with the presence or mar-
8 keting of an animal alive and present within the area on the date on which the control area
9 is established unless the presence of the animal within the area is interrupted on or after
10 the date on which the control area is established.

11 (5) A county may not establish a control area for biopharmaceutical crops or for genet-
12 ically engineered timber or timber products.

13 (6) A place where a commodity is present in violation of the terms of a control area es-
14 tablished by a county is a public nuisance. A county may give the person in possession of the
15 place written notice by first class mail that the person is required to comply with the terms
16 of the control area. If the person does not take the required action to comply with the terms
17 of a control area, the county may petition the circuit court for an order declaring the place
18 where the commodity is present in violation of the terms of the control area to be a public
19 nuisance and directing the abatement of or enjoining the nuisance.

20 (7) If a county declares a control area under this section, and the area is also included
21 in a control area for the commodity declared by the State Department of Agriculture, any
22 county payment under ORS 570.435 for inspector work described under ORS 570.430 must be
23 accounted for separately from any expenses the county incurs for administering and en-
24 forcing the county control area.

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