

House Bill 3476

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 into this state. Prohibits farming, cultivation or incubation of genetically engineered fish in this state. Prohibits release or attempt to release genetically engineered fish in this state. Provides exceptions.

Prohibits farming, cultivation or incubation of Atlantic salmon in this state that may spread certain contagious diseases to native anadromous fish. Provides exception.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fish; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2013 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 or the intro-**
8 **duction of exogenous genetic material that becomes incorporated into the genome of the**
9 **organism.**

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

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

16 (b) **Farm, cultivate, incubate or induce to spawn any genetically engineered fish in this**
17 **state.**

18 (c) **Release or attempt to release in this state any genetically engineered fish.**

19 (3) **This section does not apply to:**

20 (a) **Genetically engineered fish that are no longer living and that are imported into, or**
21 **transported within, this state for human consumption.**

22 (b) **Genetically engineered fish that are no longer living and that are imported into, or**
23 **transported within, this state and contained within:**

24 (A) **Dog food;**

25 (B) **Cat food;**

26 (C) **Any fertilizer; or**

27 (D) **Any consumer product other than those described in paragraph (a) of this subsection.**

28 (c) **Triploid fish.**

29 (d) **Hybrid fish.**

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 (e) Shellfish.

2 (f) Live fish that are for aquaria use.

3 (g) Genetically engineered fish to be used for, or that are used for, scientific research in
4 an aquarium or other similar closed water system. Genetically engineered fish described in
5 this paragraph may not be disposed of in any body of water in this state. The State Fish and
6 Wildlife Commission by rule shall adopt requirements for the disposal of genetically engi-
7 neered fish described in this paragraph, specifying disposal procedures that may be verified
8 by the State Department of Fish and Wildlife.

9 (4) The provisions of this section do not affect the use of vaccines necessary for fish
10 health management.

11 **SECTION 3.** Section 4 of this 2013 Act is added to and made a part of ORS chapter 498.

12 **SECTION 4.** (1) A person may not farm, cultivate, incubate or induce to spawn in this
13 state any Atlantic salmon that may come into contact with native anadromous fish and
14 spread to native anadromous fish any contagious disease identified by rule of the State Fish
15 and Wildlife Commission as an imminent threat to native anadromous fish.

16 (2) The provisions of subsection (1) of this section do not apply to Atlantic salmon
17 farmed, cultivated, incubated or induced to spawn in this state by the State Department of
18 Fish and Wildlife.

19 **SECTION 5.** (1) Except as provided in subsection (2) of this section, sections 1 to 4 of this
20 2013 Act become operative on January 1, 2014.

21 (2) The State Fish and Wildlife Commission may adopt rules or take any other action
22 before the operative date specified in subsection (1) of this section that is necessary to im-
23 plement, on or after the operative date specified in subsection (1) of this section, sections 1
24 to 4 of this 2013 Act.

25 **SECTION 6.** This 2013 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
27 on its passage.

28