

Enrolled
House Bill 2254

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Agriculture)

CHAPTER

AN ACT

Relating to exemption from labeling for exported horticultural commodities.

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

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

(a) “Commodity”:

(A) Means a distinctive class, type, variety or utilization of a product in a natural or unprocessed state.

(B) Does not mean canned, bottled, frozen, dried, candied or brined products.

(b) “Commodity pack” means a packaged or wrapped unit of horticultural commodity transported inside a shipping container.

(c) “Shipping container” means a closed receptacle used for bulk transport of horticultural commodities or commodity packages.

(d) “United States” means a state, territory or insular possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(2) A horticultural commodity or commodity pack is exempt from labeling requirements imposed under ORS 632.206 to 632.260, 632.450 to 632.490, 632.516 to 632.625 or 632.900 to 632.940 or ORS chapter 616 if:

(a) The commodity is being exported from the United States; and

(b) The commodity or commodity pack is transported in a shipping container that bears a label stating the commodity is for export only and bears any other labeling, information or markings the State Department of Agriculture determines by rule to be necessary for avoiding confusion, misrepresentation or deception regarding the commodity.

(3) A horticultural commodity or commodity pack that temporarily leaves the United States while in transit to a destination in the United States does not qualify for a labeling exemption under this section.

(4) If the exportation of a horticultural commodity is canceled, the commodity owner shall:

(a) Ensure that the commodity or commodity pack is relabeled in accordance with any applicable provisions of ORS 632.206 to 632.260, 632.450 to 632.490, 632.516 to 632.625 or 632.900 to 632.940 or ORS chapter 616; or

(b) Dispose of the commodity or commodity pack in a manner approved by the department.

SECTION 2. Section 1 of this 2017 Act applies to horticultural commodities and commodity packs placed into shipping containers on or after the effective date of this 2017 Act.

Passed by House February 27, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate March 23, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State