

**A-Engrossed**  
**Senate Bill 18**

Ordered by the Senate March 20  
Including Senate Amendments dated March 20

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for State Department of Agriculture)

**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.

*[Designates State Department of Agriculture as primary state agency for administration and enforcement of state duties, functions and powers under federal FDA Food Safety Modernization Act, related federal guidelines or interstate food safety systems authorized by federal Act. Authorizes department to adopt rules for administration and enforcement of federal Act, federal guidelines or food safety systems, including, but not limited to, rules adopting by reference federal statutes, regulations, guidelines or other provisions or standards, practices or requirements.]*

**Authorizes State Department of Agriculture to carry out duties, functions and powers regarding food safety to extent consistent with federal FDA Food Safety Modernization Act.**

Authorizes department to adopt rules for administration and enforcement of department duties, functions and powers under food safety laws to incorporate by reference federal or multistate statutes, regulations, guidelines or other provisions or standards, practices or requirements.

**Defines "feed" and modifies definition of "commercial feed" for purposes of statutes regulating commercial animal feed.** *[Authorizes department to adopt rules creating conditional exemptions from one or more provisions of statutes regulating commercial animal feed.]*

**A BILL FOR AN ACT**

1  
2 Relating to State Department of Agriculture regulation of the food supply chain; creating new provisions; and amending ORS 633.006.

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

5 **SECTION 1. (1) Consistent with the terms of the federal FDA Food Safety Modernization**  
6 **Act (P.L. 111-353) or interstate food safety systems authorized under the federal Act, the**  
7 **State Department of Agriculture may administer and enforce duties, functions and powers**  
8 **that include, but are not limited to:**

9 (a) **Conducting inspections to ensure that a farm or a food facility is complying with de-**  
10 **partment rules adopted under this section;**

11 (b) **Providing food facilities with documentation of licenses, inspection reports or other**  
12 **evidence of state oversight that federal guidelines developed under or in relation to the fed-**  
13 **eral Act require as assurance that a food facility is in compliance with state, local or other**  
14 **nonfederal food safety laws;**

15 (c) **Entering into intergovernmental agreements, contracts, memoranda of understanding**  
16 **or other arrangements for the administration and enforcement of the interstate food safety**  
17 **systems;**

18 (d) **Facilitating partnerships of state agencies with federal, local and private sector enti-**  
19 **ties to help coordinate and enhance the protection of agriculture and food systems;**

20 (e) **Providing for the regular and timely exchange of information relating to the security**

**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 of agriculture and food systems, including but not limited to information for food tracing;

2 (f) Assisting in the development and adoption of science-based minimum standards for  
3 the safe production and harvesting of agricultural products;

4 (g) Coordinating with federal, local and private sector entities to develop and employ best  
5 practices for preparedness and response plans for agriculture and food defense;

6 (h) Protecting the economy and public health from the effects of:

7 (A) Animal or plant disease outbreaks;

8 (B) Food contamination; and

9 (C) Natural disasters affecting agriculture and food;

10 (i) Imposing reasonable fees for services; and

11 (j) Assessing civil penalties or other sanctions to the extent authorized under the federal  
12 Act or an interstate food safety system.

13 (2) The department may adopt rules for the purpose of carrying out any department du-  
14 ties, functions and powers authorized under this section. The rules may include, but need  
15 not be limited to, the adoption by reference, in modified or unmodified form, of any statutes,  
16 regulations, guidelines or other provisions, or of any standards, practices or requirements,  
17 used by the federal government with regard to the federal Act or by the federal government  
18 or other parties with regard to interstate food safety systems authorized under the federal  
19 Act.

20 (3) The authority granted to the department under this section is in addition to, and not  
21 in lieu of, any other lawful authority granted to the department under state or federal law  
22 to administer and enforce standards, practices or requirements related to food safety.

23 **SECTION 2.** ORS 633.006 is amended to read:

24 633.006. As used in ORS 633.006 to 633.089, unless the context requires otherwise:

25 (1) "Animal feed manufacturing plant" means:

26 (a) Any business, establishment, building, plant or place where commercial feed for animals is  
27 manufactured, mixed, processed or packed.

28 (b) Vehicles used in transporting commercial feed or [*components or ingredients thereof*] **feed**  
29 **ingredients**, machinery, equipment, utensils, implements, or other items, articles or materials used  
30 in the business or operation.

31 (c) The ground upon which the operation or business is carried out and other ground not adja-  
32 cent thereto that is a part of the business or operation under the same entity or ownership.

33 (2) "Brand" means any word, name, symbol or device or any combination thereof identifying and  
34 distinguishing the commercial feed of a distributor from the feed of other distributors.

35 (3) "Bulk" is the sale, offering or exposing for sale or delivery of commercial feeds, in:

36 (a) Open containers, closed or open tote boxes, closed or open tanks, closed or open trailers, all  
37 of which may be further described or defined by the State Department of Agriculture; or

38 (b) Other types of containers, vehicles or conveyances defined or recognized by the department.

39 (4) "Commercial feed":

40 (a) **Except as provided in paragraph (b) of this subsection**, means any material that is dis-  
41 tributed for use as feed, or as a feed ingredient for mixing in feed for animals, or any feed additive  
42 concentrate, feed additive supplement, feed additive premix, or premix[.].

43 (b) **Except as used in ORS 633.045, 633.055, 633.065, 633.067, 633.077 and 633.088, does not**  
44 **include:**

45 [(a)] (A) Unmixed seeds, whole or processed, that are made directly from the entire seed and

1 are not used to manufacture wild bird feed.

2 [(b)] (B) Hay, straw, stover, cobs, husks, screenings and hulls, when unground or unmixed with  
3 other materials.

4 [(c)] (C) Feed for dogs, cats, birds or fish maintained as household pets.

5 [(d)] (D) Silage, or materials containing at least 60 percent water.

6 [(e)] (E) Individual chemical compounds not mixed with other materials. This exemption, how-  
7 ever, does not cover or extend to phosphate, urea or ammonium compounds that are recommended  
8 for animal feeding purposes.

9 (5) "Contract feeder" means an independent contractor or other person who feeds commercial  
10 feed to another person's animals pursuant to an oral or written agreement whereby the commercial  
11 feed is distributed to the contractor or other person by any distributor and whereby the contractor  
12 or other person's remuneration is determined all or in part by feed consumption, mortality, profits  
13 or amount or quality of animals produced. "Contract feeder" does not include a bona fide employee  
14 of a manufacturer or distributor of commercial feed.

15 (6) "Custom mixed feed" means any [*mixture of materials, substances or ingredients described or*  
16 *set forth under the definition of*] commercial feed, each lot of which is mixed according to the specific  
17 instructions of, or prescribed for the specific use of, the final consumer.

18 (7) "Department" means the State Department of Agriculture.

19 (8) "Distribute" means to offer for sale, sell or barter commercial feed or to supply, furnish or  
20 otherwise provide commercial feed to a contract feeder.

21 (9) "Distributor" means a person who distributes commercial feed.

22 (10) "Drug" means any substance:

23 (a) Intended or represented for the cure, mitigation, treatment or prevention of disease of ani-  
24 mals;

25 (b) Intended to affect the structure of any function of the body of an animal; or

26 (c) So defined by rule of the department.

27 (11) **"Feed" means raw materials, ingredients and final products:**

28 (a) **Consumed by, or intended for consumption by, animals but not by humans; and**

29 (b) **Contributing to nutrition, affecting aroma or taste or having a technical effect on the**  
30 **consumed material.**

31 [(11)] (12) "Feed ingredient" means each of the constituent materials making up a commercial  
32 feed.

33 [(12)] (13) "Final consumer" means a person that feeds animals that are under the control or  
34 ownership of that person.

35 [(13)] (14) "Ground" means a condition resulting from crushing, rolling, chopping or grinding.

36 [(14)] (15) "Label" means a display of written, printed or graphic matter placed on or affixed to  
37 the container in which a commercial feed is distributed, or on the invoice or delivery slip with  
38 which a commercial feed is distributed.

39 [(15)] (16) "Manufacture" means to grind, chop, crush, roll, cube, flake, extrude, cook, pelletize,  
40 mix or otherwise process feed ingredients.

41 [(16)] (17) "Mineral feed" means a substance or mixture of substances designed or intended to  
42 supply primarily mineral elements or inorganic nutrients.

43 [(17)] (18) "Official sample" means any sample of feed taken by the department and designated  
44 as "official" by the department.

45 [(18)] (19) "Percent" or "percentage" means percentage by weight.

1        [(19)] **(20)** “Sell” or “sale” includes exchange.

2        [(20)] **(21)** “Wild bird feed” means a commercial feed marketed for noncaptive undomesticated  
3        avians.

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