

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
SENATE BILL 18**

1 On page 1 of the printed bill, delete lines 5 through 24 and delete pages
2 2 through 4 and insert:

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

8 **“(a) Conducting inspections to ensure that a farm or a food facility**
9 **is complying with department rules adopted under this section;**

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

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

18 **“(d) Facilitating partnerships of state agencies with federal, local**
19 **and private sector entities to help coordinate and enhance the pro-**
20 **tection of agriculture and food systems;**

21 **“(e) Providing for the regular and timely exchange of information**

1 relating to the security of agriculture and food systems, including but
2 not limited to information for food tracing;

3 “(f) Assisting in the development and adoption of science-based
4 minimum standards for the safe production and harvesting of agri-
5 cultural products;

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

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

10 “(A) Animal or plant disease outbreaks;

11 “(B) Food contamination; and

12 “(C) Natural disasters affecting agriculture and food;

13 “(i) Imposing reasonable fees for services; and

14 “(j) Assessing civil penalties or other sanctions to the extent au-
15 thorized under the federal Act or an interstate food safety system.

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

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

29 **“SECTION 2.** ORS 633.006 is amended to read:

30 “633.006. As used in ORS 633.006 to 633.089, unless the context requires

1 otherwise:

2 “(1) ‘Animal feed manufacturing plant’ means:

3 “(a) Any business, establishment, building, plant or place where commer-
4 cial feed for animals is manufactured, mixed, processed or packed.

5 “(b) Vehicles used in transporting commercial feed or [*components or in-*
6 *gredients thereof*] **feed ingredients**, machinery, equipment, utensils, imple-
7 ments, or other items, articles or materials used in the business or operation.

8 “(c) The ground upon which the operation or business is carried out and
9 other ground not adjacent thereto that is a part of the business or operation
10 under the same entity or ownership.

11 “(2) ‘Brand’ means any word, name, symbol or device or any combination
12 thereof identifying and distinguishing the commercial feed of a distributor
13 from the feed of other distributors.

14 “(3) ‘Bulk’ is the sale, offering or exposing for sale or delivery of com-
15 mercial feeds, in:

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

19 “(b) Other types of containers, vehicles or conveyances defined or recog-
20 nized by the department.

21 “(4) ‘Commercial feed’:

22 “(a) **Except as provided in paragraph (b) of this subsection**, means
23 any material that is distributed for use as feed, or as a feed ingredient for
24 mixing in feed for animals, or any feed additive concentrate, feed additive
25 supplement, feed additive premix, or premix[,].

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

28 “[*a*] (A) Unmixed seeds, whole or processed, that are made directly from
29 the entire seed and are not used to manufacture wild bird feed.

30 “[*b*] (B) Hay, straw, stover, cobs, husks, screenings and hulls, when un-

1 ground or unmixed with other materials.

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

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

4 “[*(e)*] (E) Individual chemical compounds not mixed with other materials.

5 This exemption, however, does not cover or extend to phosphate, urea or
6 ammonium compounds that are recommended for animal feeding purposes.

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

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

19 “(7) ‘Department’ means the State Department of Agriculture.

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

22 “(9) ‘Distributor’ means a person who distributes commercial feed.

23 “(10) ‘Drug’ means any substance:

24 “(a) Intended or represented for the cure, mitigation, treatment or pre-
25 vention of disease of animals;

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

28 “(c) So defined by rule of the department.

29 “(11) ‘Feed’ means raw materials, ingredients and final products:

30 “(a) Consumed by, or intended for consumption by, animals but not

1 **by humans; and**

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

4 “[~~(11)~~] (12) ‘Feed ingredient’ means each of the constituent materials
5 making up a commercial feed.

6 “[~~(12)~~] (13) ‘Final consumer’ means a person that feeds animals that are
7 under the control or ownership of that person.

8 “[~~(13)~~] (14) ‘Ground’ means a condition resulting from crushing, rolling,
9 chopping or grinding.

10 “[~~(14)~~] (15) ‘Label’ means a display of written, printed or graphic matter
11 placed on or affixed to the container in which a commercial feed is distrib-
12 uted, or on the invoice or delivery slip with which a commercial feed is
13 distributed.

14 “[~~(15)~~] (16) ‘Manufacture’ means to grind, chop, crush, roll, cube, flake,
15 extrude, cook, pelletize, mix or otherwise process feed ingredients.

16 “[~~(16)~~] (17) ‘Mineral feed’ means a substance or mixture of substances
17 designed or intended to supply primarily mineral elements or inorganic nu-
18 trients.

19 “[~~(17)~~] (18) ‘Official sample’ means any sample of feed taken by the de-
20 partment and designated as ‘official’ by the department.

21 “[~~(18)~~] (19) ‘Percent’ or ‘percentage’ means percentage by weight.

22 “[~~(19)~~] (20) ‘Sell’ or ‘sale’ includes exchange.

23 “[~~(20)~~] (21) ‘Wild bird feed’ means a commercial feed marketed for non-
24 captive undomesticated avians.”.

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