

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1005**

1 In line 2 of the printed bill, after “safety” insert “; creating new pro-
2 visions; amending sections 1 and 2, chapter 93, Oregon Laws 2014; and de-
3 claring an emergency”.

4 Delete lines 4 through 9 and insert:

5 **“SECTION 1. As used in sections 1 to 6 of this 2019 Act:**

6 **“(1) ‘Food’ means:**

7 **“(a) An item used for food or drink for human or animal con-**
8 **sumption or the components of the item;**

9 **“(b) Chewing gum or chewing gum components; or**

10 **“(c) A food supplement for special dietary use that is necessitated**
11 **because of a physical, physiological, pathological or other condition.**

12 **“(2) ‘Kratom processor’ means a person who:**

13 **“(a) Sells, prepares, processes, manufactures, distributes or main-**
14 **tains a kratom product; or**

15 **“(b) Advertises, represents or holds out as being a person who sells,**
16 **prepares, processes, manufactures, distributes or maintains a kratom**
17 **product.**

18 **“(3) ‘Kratom product’ means a food containing any part of the leaf**
19 **of the plant *Mitragyna speciosa*.**

20 **“SECTION 2. (1) On the product label of each kratom product that**
21 **a kratom processor prepares, distributes, sells or offers for sale, the**

1 kratom processor shall disclose the factual basis upon which the
2 kratom processor represents the food as a kratom product.

3 “(2) A kratom processor may not prepare, distribute, sell or offer
4 for sale a kratom product:

5 “(a) That is mixed or packed with a nonkratom substance that af-
6 fects the quality or strength of the kratom product to such a degree
7 as to render the kratom product injurious to a consumer;

8 “(b) That contains a poisonous or otherwise deleterious nonkratom
9 ingredient, including a controlled substance as defined in ORS 475.005;

10 “(c) That contains a level of 7-hydroxymitragynine in the alkaloid
11 fraction that is greater than two percent of the alkaloid composition
12 of the kratom product;

13 “(d) That contains a synthetic alkaloid, including synthetic
14 mitragynine, synthetic 7-hydroxymitragynine or any other synthet-
15 ically derived compound of the plant *Mitragyna speciosa*; or

16 “(e) That does not include a product label on the kratom product
17 packaging that states the amount of mitragynine and
18 7-hydroxymitragynine contained in the kratom product.

19 “(3) Notwithstanding ORS 659A.403, a kratom processor may not
20 distribute, sell or offer for sale a kratom product to an individual un-
21 der 21 years of age.

22 “SECTION 3. (1)(a) A kratom processor shall register a kratom
23 product with the State Department of Agriculture if the kratom
24 processor intends to prepare, distribute, sell or offer for sale the
25 kratom product.

26 “(b) A kratom processor may not prepare, distribute, sell or offer
27 for sale a kratom product that is not registered with the department
28 as described in this section.

29 “(2)(a) The department shall by rule create procedures for register-
30 ing a kratom product under this section.

1 **“(b) The rules described in paragraph (a) of this subsection shall**
2 **include standards for a registered kratom product, including standards**
3 **for:**

4 **“(A) Testing to ensure the kratom product is safe for human con-**
5 **sumption; and**

6 **“(B) Accurate labeling.**

7 **“(c) The department shall by rule set a fee to register a kratom**
8 **product.**

9 **“(d) The fee described in paragraph (c) of this subsection must be**
10 **paid by a kratom processor before a kratom product may be registered**
11 **with the department.**

12 **“(3) The department may seize and destroy any unregistered kratom**
13 **product offered for sale in this state.**

14 **“(4) The department may adopt other rules necessary to carry out**
15 **the provisions of this section.**

16 **“SECTION 4. In addition to and distinct from any other remedy at**
17 **law, an individual may bring a civil action for damages resulting from**
18 **a violation of sections 1 to 6 of this 2019 Act, including economic or**
19 **noneconomic damages.**

20 **“SECTION 5. (1) For a violation of section 2 (1) of this 2019 Act, a**
21 **kratom processor is subject to a civil penalty of:**

22 **“(a) No more than \$500 for the first offense; and**

23 **“(b) No more than \$1,000 for a second or subsequent offense.**

24 **“(2) For a violation of section 3 (1) of this 2019 Act, a kratom**
25 **processor is subject to a civil penalty greater than the fee described**
26 **in section 3 (2)(c) of this 2019 Act.**

27 **“SECTION 6. (1)(a) A kratom processor who violates section 2 (2)(a)**
28 **of this 2019 Act is guilty of a Class C misdemeanor for each violation.**

29 **“(b) It is a defense to a charge of violating section 2 (2)(a) of this**
30 **2019 Act if the kratom processor shows, by a preponderance of the**

1 **evidence, that the kratom processor relied in good faith upon the**
2 **representation of a manufacturer, processor, packer or distributor of**
3 **food represented to be a kratom product.**

4 **“(2) A kratom processor who violates section 2 (3) of this 2019 Act**
5 **is guilty of a Class C misdemeanor for each violation.**

6 **“SECTION 7.** Section 1, chapter 93, Oregon Laws 2014, as amended by
7 section 6, chapter 74, Oregon Laws 2016, is amended to read:

8 **“Sec. 1.** (1) The Task Force on School Safety is established, consisting
9 of [16] **18** members as follows:

10 “(a) The Superintendent of State Police or the superintendent’s designee.

11 “(b) The Director of the Department of Public Safety Standards and
12 Training or the director’s designee.

13 “(c) The Governor’s Public Safety Policy Advisor.

14 “(d) The Governor’s Education Policy Advisor.

15 “(e) The President of the Senate shall appoint one member from among
16 members of the Senate.

17 “(f) The Speaker of the House of Representatives shall appoint one mem-
18 ber from among members of the House of Representatives.

19 “(g) The Governor shall appoint [10] **12** members as follows:

20 “(A) A member of the Oregon State Sheriffs’ Association;

21 “(B) A member of the Oregon Association Chiefs of Police;

22 “(C) A member of the Oregon Fire Chiefs Association;

23 “(D) A member of the Oregon Education Association;

24 “(E) A member of the Oregon School Employees Association;

25 “(F) A member of the Oregon School Boards Association;

26 “(G) A member of the Oregon Association of Education Service Districts;

27 “(H) A member of the Confederation of Oregon School Administrators;

28 “(I) A member representing the Department of Education; [and]

29 “(J) A member of the Association of Oregon Community Mental Health
30 Programs[.];

1 **“(K) A member of the Oregon Health Authority; and**

2 **“(L) A member of the Office of Emergency Management.**

3 “(2) Members of the Legislative Assembly appointed to the task force are
4 nonvoting members of the task force and may act in an advisory capacity
5 only.

6 “(3) The task force shall:

7 “(a)(A) Develop a request for proposals to be published by the Department
8 of State Police for hiring a vendor to create a database of floor plans for all
9 schools within the state, accessible to authorized users via the Internet; and

10 “(B) Make recommendations to the Department of State Police for the
11 development of administrative rules governing the database, including but
12 not limited to:

13 “(i) Specifying the persons and agencies that may have access to the da-
14 tabase;

15 “(ii) Identifying the persons or agencies that will maintain the database;
16 and

17 “(iii) Regulating the manner in which database records are added or
18 modified;

19 “(b) Examine models of existing education and training programs for law
20 enforcement officials, other first responders and school employees in the area
21 of school safety and incident response; and

22 “(c) Examine models for existing protocols for school safety and incident
23 response and consider whether standardized statewide school safety and in-
24 cident response protocols would be appropriate.

25 “(4) A majority of the voting members of the task force constitutes a
26 quorum for the transaction of business.

27 “(5) Official action by the task force requires the approval of a majority
28 of the voting members of the task force.

29 “(6) The task force shall elect one of its members to serve as chairperson
30 and one of its members to serve as vice chairperson.

1 “(7) If there is a vacancy for any cause, the appointing authority shall
2 make an appointment to become immediately effective.

3 “(8) The task force shall meet at times and places specified by the call
4 of the chairperson or of a majority of the voting members of the task force.

5 “(9) The task force may adopt rules necessary for the operation of the
6 task force.

7 “(10) The task force shall submit a report concerning the floor plan da-
8 tabase in the manner provided by ORS 192.245, and may include recommen-
9 dations for legislation, to an interim committee of the Legislative Assembly
10 related to the judiciary as appropriate no later than September 1, 2017. A
11 second report shall be submitted in a similar manner no later than September
12 1, 2019. **A third report shall be submitted in a similar manner no later**
13 **than September 1, 2021.**

14 “(11) The Department of State Police shall provide staff support to the
15 task force.

16 “(12) Members of the task force who are not members of the Legislative
17 Assembly are not entitled to compensation, but may be reimbursed for actual
18 and necessary travel and other expenses incurred by them in the performance
19 of their official duties in the manner and amounts provided for in ORS
20 292.495. Claims for expenses incurred in performing functions of the task
21 force shall be paid out of funds appropriated to the Department of State
22 Police for purposes of the task force.

23 “(13) All agencies of state government, as defined in ORS 174.111, are di-
24 rected to assist the task force in the performance of its duties and, to the
25 extent permitted by laws relating to confidentiality, to furnish such infor-
26 mation and advice as the members of the task force consider necessary to
27 perform their duties.

28 “**SECTION 8.** Section 2, chapter 93, Oregon Laws 2014, as amended by
29 section 7, chapter 74, Oregon Laws 2016, is amended to read:

30 “**Sec. 2.** Section 1, chapter 93, Oregon Laws 2014, is repealed on December

1 31, [2019] 2021.

2 **“SECTION 9. This 2019 Act being necessary for the immediate**
3 **preservation of the public peace, health and safety, an emergency is**
4 **declared to exist, and this 2019 Act takes effect July 1, 2019.”.**

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