

Requested by HOUSE COMMITTEE ON WATER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2344**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;  
2 amending ORS 646.607;”.

3 In line 5, delete “this section” and insert “sections 1 to 3 of this 2021  
4 Act”.

5 Delete lines 9 and 10 and insert:

6 “(B) A wholesaler, supplier or retailer that has contractually undertaken  
7 responsibility to the manufacturer for labeling or packaging a covered prod-  
8 uct.”.

9 On page 2, line 27, after “2022” insert a comma.

10 On page 4, delete lines 16 through 45 and delete page 5 and insert:

11 **“SECTION 2. Within 90 days after receiving a request from a city,  
12 county or special district that provides wastewater service, a covered  
13 entity shall submit to the city, county or special district business in-  
14 formation and documentation that is not confidential and that dem-  
15 onstrates compliance with section 1 of this 2021 Act. The information  
16 must be written and organized for ease of comprehension.**

17 **“SECTION 3. (1)(a) A city, county or special district that provides  
18 wastewater service has exclusive and concurrent authority to enforce  
19 compliance with the requirements of section 1 of this 2021 Act. Selling,  
20 or displaying for sale, a product package that does not comply with  
21 the requirements of section 1 of this 2021 Act is a violation for which**

1 a city, county or special district may bring an action to recover a civil  
2 penalty in the amounts set forth in subsection (2)(b) of this section.

3 “(b) For the purposes of compliance with section 1 of this 2021 Act,  
4 a product package is the same product package despite changes to the  
5 product package’s graphics, artwork, wording, symbols, packaging  
6 material or other features if the changes are unrelated to compliance  
7 with the requirements of section 1 of this 2021 Act.

8 “(2)(a) Except as provided in paragraph (d) of this subsection, before  
9 bringing an action to recover a civil penalty for a violation, the city,  
10 county or special district shall send to the alleged violator a written  
11 notice of violation, dated with the date of mailing, and shall include  
12 a copy of the provisions of section 1 of this 2021 Act.

13 “(b) If a covered entity sells or displays for sale a product package  
14 that does not comply with the requirements of section 1 of this 2021  
15 Act after receiving the notice described in paragraph (a) of this sub-  
16 section, a city, county or special district may bring an action to re-  
17 cover:

18 “(A) A civil penalty of not more than \$2,000 for a first violation that  
19 occurs between 90 days and 120 days after the date of the notice;

20 “(B) An additional civil penalty of not more than \$5,000 for a second  
21 violation or for a first violation that continues for more than 120 days  
22 after the date of the notice; and

23 “(C) An additional civil penalty of not more than \$10,000 for a third  
24 and any subsequent violation or for a first violation that continues  
25 during any part of each 30-day period that follows the period described  
26 in subparagraph (B) of this paragraph.

27 “(c) If a covered entity has paid a previous penalty to another ju-  
28 risdiction that has enforcement authority under this section, the pen-  
29 alty imposed on the covered entity must be reduced by the amount of  
30 the covered entity’s previous payment.

1       “(d) If a covered entity changes a product’s packaging in response  
2 to a notice of violation from a city, county or special district but under  
3 subsection (1)(b) of this section the product package is the same, the  
4 city, county or special district does not need to send a new notice of  
5 violation and may immediately bring an action to recover a civil pen-  
6 alty if a sale of or a display for sale of the changed product packaging  
7 constitutes a violation of section 1 of this 2021 Act.

8       “(2) A covered entity shall pay any civil penalty imposed under this  
9 section to the city, county or special district that brought the action  
10 to recover the civil penalty.

11       “(3) In addition to the amount of any civil penalty imposed, a city,  
12 county or special district may recover reasonable enforcement costs  
13 and attorney fees.

14       “SECTION 4. Sections 1 to 3 of this 2021 Act become operative on  
15 July 1, 2022.

16       “SECTION 5. This 2021 Act takes effect on the 91st day after the  
17 date on which the 2021 regular session of the Eighty-first Legislative  
18 Assembly adjourns sine die.”

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