

Requested by Representative SMITH DB

**PROPOSED AMENDMENTS TO
HOUSE BILL 2671**

1 On page 1 of the printed bill, line 2, delete “571.269 and 571.285” and in-
2 sert “571.285 and 571.348”.

3 Delete lines 5 through 30 and delete pages 2 and 3 and insert:

4 **“SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made**
5 **a part of ORS 571.260 to 571.348.**

6 **“SECTION 2. (1) The State Department of Agriculture shall adopt**
7 **rules to require that a grower registered under ORS 571.281 accurately**
8 **report to the department:**

9 **“(a) That the grower does not intend to plant an industrial hemp**
10 **crop at the location for which a registration is issued under ORS**
11 **571.281; or**

12 **“(b) Any loss of all or part of an industrial hemp crop.**

13 **“(2) The rules adopted under this section must include a timeline**
14 **for reporting to the department and may include other rules necessary**
15 **to carry out this section.**

16 **“SECTION 3. (1) If the industrial hemp crop of a grower registered**
17 **under ORS 571.281 is found to contain an average tetrahydrocannabinol**
18 **concentration that exceeds the limit described in ORS 571.281 (7) and**
19 **the State Department of Agriculture requires the grower to destroy**
20 **or remediate the industrial hemp crop, the grower shall provide doc-**
21 **umentation to the department of the destruction or remediation.**

1 **“(2) The department shall adopt rules to carry out this section, in-**
2 **cluding rules to specify acceptable documentation for purposes of**
3 **subsection (1) of this section and timelines for providing the doc-**
4 **umentation to the department.**

5 **“SECTION 4. (1) If a person plants an industrial hemp crop or**
6 **commits a violation of ORS 571.260 to 571.348 prior to applying for a**
7 **grower registration under ORS 571.281, the State Department of Agri-**
8 **culture shall:**

9 **“(a) Prioritize the person’s industrial hemp crop for inspection un-**
10 **der ORS 571.281 (7), if the person planted the industrial hemp crop as**
11 **described in this subsection; and**

12 **“(b) Require the person to enter into a corrective action plan with**
13 **the department.**

14 **“(2) If the person described in subsection (1) of this section does not**
15 **enter into a corrective action plan pursuant to subsection (1) of this**
16 **section, the department may not issue a registration to the person**
17 **under ORS 571.281.**

18 **“(3) The department may adopt rules to carry out this section, in-**
19 **cluding rules to establish the corrective action plan described in sub-**
20 **section (1) of this section.**

21 **“SECTION 5. ORS 571.285 is amended to read:**

22 **“571.285. (1) Subject to the provisions of ORS chapter 183, the State De-**
23 **partment of Agriculture may revoke the registration of a grower, handler or**
24 **agricultural hemp seed producer or refuse to register or renew the registra-**
25 **tion if a grower, handler or agricultural hemp seed producer violates:**

26 **“(a) A provision of ORS 571.260 to 571.348;**

27 **“(b) A rule adopted under a provision of ORS 571.260 to 571.348;**

28 **“(c) An order issued by the department pursuant to a provision of ORS**
29 **571.260 to 571.348 or a rule adopted under a provision of ORS 571.260 to**
30 **571.348, including an order of detainment issued under ORS 571.281; or**

1 “(d) Any statutory law or department rule related to agricultural activ-
2 ities other than industrial hemp operations.

3 “(2) The department may not discipline a grower, handler or agricultural
4 hemp seed producer under this section on the basis that possessing, deliver-
5 ing and manufacturing industrial hemp are prohibited by federal law.

6 **“SECTION 6.** ORS 571.348 is amended to read:

7 “571.348. (1) Subject to the provisions of ORS chapter 183, the State De-
8 partment of Agriculture may impose a civil penalty not to exceed \$2,500 on
9 a person for violating:

10 “(a) A provision of ORS 571.260 to 571.348;

11 “(b) A rule adopted under a provision of ORS 571.260 to 571.348; or

12 “(c) An order issued by the department pursuant to a provision of ORS
13 571.260 to 571.348 or a rule adopted under a provision of ORS 571.260 to
14 571.348.

15 **“(2) In addition to the penalty described in subsection (1) of this**
16 **section, subject to the provisions of ORS chapter 183, the department**
17 **may impose a civil penalty not to exceed \$10,000 on a person if the**
18 **person is a grower registered under ORS 571.281 and the department**
19 **determines that the person’s industrial hemp crop contains an average**
20 **tetrahydrocannabinol concentration of at least 10 percent on a dry**
21 **weight basis.**

22 “[2] (3) The department may not discipline a person under this section
23 on the basis that possessing, delivering and manufacturing industrial hemp
24 are prohibited by federal law.

25 “[3] (4) All moneys collected by the department under this section shall
26 be deposited in the General Fund in the State Treasury to the credit of the
27 Industrial Hemp Fund established under ORS 571.278.

28 **“SECTION 7. (1) Sections 2 to 4 of this 2021 Act and the amend-**
29 **ments to ORS 571.285 and 571.348 by sections 5 and 6 of this 2021 Act**
30 **become operative on January 1, 2022.**

1 **“(2) The State Department of Agriculture and the Oregon Liquor**
2 **Control Commission may take any action before the operative date**
3 **specified in subsection (1) of this section that is necessary to enable**
4 **the department and the commission to exercise, on or after the oper-**
5 **ative date specified in subsection (1) of this section, all of the duties,**
6 **functions and powers conferred on the department and the commission**
7 **by sections 2 to 4 of this 2021 Act and the amendments to ORS 571.285**
8 **and 571.348 by sections 5 and 6 of this 2021 Act.**

9 **“SECTION 8. This 2021 Act takes effect on the 91st day after the**
10 **date on which the 2021 regular session of the Eighty-first Legislative**
11 **Assembly adjourns sine die.”.**

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