

## SB 89 -1 STAFF MEASURE SUMMARY

### Senate Committee On Natural Resources

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**Prepared By:** Laura Kentnesse, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 1/25

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#### WHAT THE MEASURE DOES:

Directs the Oregon Department of Agriculture to study aquaculture, and to submit a report to the interim natural resources legislative committees by September 15, 2024. Sunsets January 2, 2025.

*FISCAL: May have fiscal impact, but no statement yet issued.*

*REVENUE: May have revenue impact, but no statement yet issued.*

#### ISSUES DISCUSSED:

##### EFFECT OF AMENDMENT:

-1 Replaces the measure. Defines terms including 'aquaculture,' 'aquaculture facility,' and 'aquatic animal' among others. Establishes legislative findings. Requires an aquaculture facility to **apply for a license** from the Oregon Department of Fish and Wildlife (ODFW) and to **submit a plan** for preventing, reducing, and remediating the spread of disease from aquatic animals to wild fish. Directs ODFW to conduct an **environmental review of the proposed aquaculture facility** and to provide a noticed public comment opportunity before issuing a license. Prohibits license issuance under certain conditions. Prohibits licensed aquaculture facilities from releasing an aquatic animal into waters of the state or propagating or rearing genetically engineered or transgenic aquatic animals. Establishes requirements for aquaculture facilities that would ensure the **humane treatment and slaughter of farmed aquatic animals** and requires the Oregon Department of Agriculture (ODA) to adopt rules for implementation. Requires that an aquaculture facility keep **detailed records** of specified information, and to immediately report or annually report certain events as well as make the records publicly available. Requires that ODA post the records on its website. Establishes the **Aquatic Animals Fund** for appropriation to ODA for implementation, actions such as education that benefit aquatic animals, and grants for certain aquaculture facilities. Authorizes application to the relevant circuit court for a temporary or permanent injunction. Establishes that **aquaculture facility liability** is dependent on ODA demonstrating the facility knew or should have known of the violation. Establishes that violations are treated as a Class B misdemeanor for a first offense and a Class A misdemeanor for subsequent offenses. Imposes civil penalties, which will be deposited into the Aquatic Animals Fund. Requires ODA to evaluate the cumulative impact of nearby existing shellfish cultivation before approving a **shellfish cultivation** application. Directs ODA to adopt rules that prohibit use of pesticides and minimize use of plastics in shellfish cultivation. Specifies shellfish cultivation provisions do not apply to independently owned and operated businesses that have annual gross revenues of less than \$500,000.

*FISCAL: May have fiscal impact, but no statement yet issued.*

*REVENUE: May have revenue impact, but no statement yet issued.*

#### BACKGROUND:

Senate Bill 89 would direct the Oregon Department of Agriculture to study aquaculture.