

Enrolled
Senate Bill 57

Sponsored by Senator FINDLEY, Representative OWENS, Senator HANSELL; Senator SMITH DB,
Representative LEVY B (Pre-session filed.)

CHAPTER

AN ACT

Relating to brucellosis; amending ORS 596.321, 596.331, 596.341, 596.351, 596.460, 596.640 and 596.990.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 596.321 is amended to read:

596.321. (1) The State Department of Agriculture shall enact rules and regulations:

(a) Containing a list of livestock diseases that must be reported to the department by any person practicing veterinary medicine in this state.

(b) Concerning the time and manner of reporting livestock diseases and any other information considered reasonably necessary by the department.

(c) Regarding the time and manner of vaccinating female cattle against brucellosis.

(2) Any person practicing veterinary medicine in this state, having knowledge of the existence of any livestock disease listed pursuant to subsection (1) of this section, shall immediately report the disease to the department in the manner provided by rule or regulation.

[(3) For the purposes of ORS 596.331 (3), the department may inspect and determine what is a "normal and usual feeding facility."]

SECTION 2. ORS 596.331 is amended to read:

596.331. (1) A person may not sell, offer to sell or dispose of any livestock that the person knows to be exposed to, a carrier of or infected with any disease required to be reported under ORS 596.321, except:

(a) To a slaughterer or to a rendering plant; or

(b) Pursuant to, and as authorized by, a quarantine order.

(2) A person may not sell, offer to sell or dispose of the meat, milk or other parts of any livestock, quarantined by the State Department of Agriculture, for food or other purposes, except as authorized by the quarantine order.

[(3) A person may not sell or offer for sale, for any purpose other than slaughter or to a feedlot or other normal and usual feeding facility for slaughter within 12 months of sale, any female cattle of a beef breed that have not been vaccinated against brucellosis as evidenced by an official vaccination tattoo in the right ear of each animal.]

[(4) A person may not sell or offer for sale, for any purpose other than slaughter, any female cattle of a dairy breed that have not been vaccinated against brucellosis as evidenced by an official vaccination tattoo in the right ear of each animal.]

SECTION 3. ORS 596.341 is amended to read:

596.341. (1) In addition to the permit required by subsection (2) of this section, the State Department of Agriculture may cause livestock to be tested, treated or examined as a condition of

entry into this state and may, as evidence of that test, treatment or examination, require the presentation of a certificate of an official of the state of origin designated by the department or of a veterinary inspector of the federal government.

(2) The department shall require a written permit authorizing entry into this state of any livestock or other animals subject to the disease control law and not exempt under subsection (3) of this section. The permit shall be issued upon condition that:

(a) The consignee, owner or purchaser hold the imported livestock upon the arrival of the livestock in this state subject to direction of the department pending completion of the testing, treatment or examination of the livestock;

(b) The livestock be disposed of in accordance with the laws of this state and the rules of the department, if the livestock is found to be infected with, exposed to, or a carrier of, a disease; **and**

(c) The consignee, owner or purchaser complies with the rules promulgated by the department to enforce the intent of this chapter; *and*].

[(d) If the imported livestock are female cattle that are being imported for any purpose other than slaughter or to a registered dry feedlot, the animals have been vaccinated against brucellosis as evidenced by an official vaccination tattoo in the right ear of each animal.]

(3) The department may exempt the following classes of livestock or other animals subject to the disease control law from the requirements of this section:

(a) Livestock that is consigned to and will be slaughtered by a licensed slaughterer within eight days after entry into this state.

(b) Livestock in uninterrupted transit through the state, provided that stops may be made for feed, water and rest.

(c) *[Except for the requirements of subsection (2)(d) of this section,]* Livestock consigned to an Oregon auction market licensed under ORS chapter 599 where approved veterinary inspection is in force.

[(d) Brucellosis nonvaccinated female cattle of proven genetic advantage for purposes of preserving or developing breeding improvements. Those cattle may be admitted on a case-by-case basis with specific approval of, and under conditions deemed appropriate by, the State Veterinarian. Breed registration papers or other documentation of improved genetics may be required for the approval. The cattle shall be exempt from ORS 596.331 (3) and (4) and 596.460 (2) and (3) and subsection (2)(d) of this section.]

[(e)] (d) Dogs, cats or small caged birds traveling in a family vehicle as part of that social entity.

[(f)] (e) Any animals that the department determines do not pose a disease threat.

[(4) As used in subsection (2)(d) of this section, "registered dry feedlot" means a cattle feeding operation that is approved and registered by the department and that has facilities surrounded by permanent fencing wherein all feed and water are artificially supplied.]

SECTION 4. ORS 596.351 is amended to read:

596.351. No person shall:

(1) Knowingly import or cause to be imported into this state any livestock exposed to, infected with or a carrier of disease.

(2) Bring any livestock into this state unless the bill of lading, health certificate or other document of shipment is accompanied by the permit required under ORS 596.341 or permit number entered thereon.

(3) Fail to test, treat, examine or otherwise comply with the conditions of a permit under ORS 596.341.

[(4) Import or bring into this state any female cattle unless the animals have been vaccinated as required by ORS 596.341 (2)(d).]

SECTION 5. ORS 596.460 is amended to read:

596.460. *[(1)]* A person owning, possessing or controlling any livestock affected by any disease may not fail to keep the livestock within an enclosure, or herd them in some place where they are secure from contact with other livestock not so affected or permit the affected livestock to range where they will be likely to come in contact with other livestock not so affected.

[(2) A person may not maintain or control female cattle of a beef breed for breeding purposes unless the animals have been vaccinated against brucellosis as evidenced by an official vaccination tattoo in the right ear of each animal.]

[(3) A person may not maintain or control female cattle of a dairy breed for breeding or dairy purposes unless the animals have been vaccinated against brucellosis as evidenced by an official vaccination tattoo in the right ear of each animal.]

SECTION 6. ORS 596.640 is amended to read:

596.640. (1) The owner of livestock or property destroyed at the order of the State Department of Agriculture shall not be paid indemnity by the State of Oregon for:

(a) Livestock or property owned by the federal government or the State of Oregon, or any governmental subdivision, agency or instrumentality of those governments.

(b) Livestock or property if the owner thereof has failed to comply with any of the provisions of ORS 596.075, 596.331, 596.351, 596.355, 596.371 or 596.460 or with any rules promulgated under ORS 596.321 or has acted in contravention to department authority under ORS 596.311, 596.341, 596.361, 596.388, 596.392 to 596.416 and 596.470 as to any of that livestock or property.

(c) Livestock that has been brought into this state contrary to any law of this state or rule promulgated thereunder or contrary to the conditions of any permit issued under ORS 596.341.

(d) Livestock or property that has been negligently or willfully exposed to or contaminated by a disease.

(e) Livestock that were imported from a county or defined area that is under quarantine at the order of the federal government, the State of Oregon or the state of origin, for the disease that the livestock is affected by.

(f) Livestock that were known by the owner to be affected by a disease at the time of entry into the state.

(g) Livestock that had been imported into this state within five days prior to the date that the disease condition was officially diagnosed.

(h) Livestock if there is evidence that the owner or agent of the owner has in any way been responsible for any attempt to unlawfully or improperly obtain indemnity funds for the livestock.

(i) Livestock that has been brought into this state pursuant to a permit issued under ORS 596.341 and that after entry is moved, transferred or disposed of in violation of this chapter or any rule promulgated under this chapter.

[(j) Female cattle that have not been officially vaccinated for brucellosis as required by this chapter. Evidence of an official vaccination for brucellosis is a tattoo in the right ear of the animal in such a manner as the department may prescribe.]

(2) Any transaction referred to in subsection (1)(c) or (i) of this section with regard to any livestock animal disqualifies the owner of that livestock from receiving indemnity for all livestock or property owned by that person for which indemnity would otherwise be payable.

SECTION 7. ORS 596.990 is amended to read:

596.990. (1) Violation of any of the provisions of ORS 596.075, 596.321, 596.331 (1) [*or (3)*], 596.351, 596.388, 596.392 (1) to (3) or (6), 596.404 to 596.416 or 596.460, or of any lawful order of the State Department of Agriculture issued pursuant to this chapter, is a Class A violation.

(2) Violation of any of the quarantine provisions of ORS 596.331 (2), 596.355, 596.392 (4) or (5) or 596.394 to 596.402 is a specific fine violation punishable by a fine of not more than \$5,000.

(3) Violation of any of the provisions of ORS 596.100 or 596.105 or rules adopted thereunder is a Class A misdemeanor.

Passed by Senate April 10, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 23, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State