

Enrolled
House Bill 2255

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Department of Agriculture)

CHAPTER

AN ACT

Relating to dairy industry products; creating new provisions; and amending ORS 621.058 and 621.073.

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

SECTION 1. ORS 621.058 is amended to read:

621.058. (1) The State Department of Agriculture shall establish by rule, as provided in ORS chapter 183, official state grades and standards of quality applicable to all milk, fluid milk and dairy products.

(2) The grades and standards for milk, fluid milk and dairy products may from time to time be changed by the department as provided in subsection (1) of this section.

(3) The department may adopt by rule recommended or required practices for ensuring the safety or marketability of milk, fluid milk or dairy products. The rules may include, but need not be limited to, the adoption by reference, in modified or unmodified form, of any model ordinances, practices or requirements used by the federal government or multistate organizations of milk shippers.

SECTION 2. ORS 621.073 is amended to read:

621.073. (1) In addition to the powers conferred on the State Department of Agriculture under ORS 621.018, 621.060, 621.072, 621.076, 621.083 and 621.226, the department may suspend the privilege of any person to use a grade designation on containers of fluid milk produced or distributed by the person. The power of suspension may be exercised by the department for any violation of ORS 621.062, 621.070, 621.072, 621.076, 621.084, 621.088, 621.117, 621.122 (7), 621.226 or 621.259, standards adopted under ORS 621.060, 621.083 or 621.224 or any department rules.

(2) A suspension shall not exceed 10 days except that, before lifting the suspension, the department shall ensure that the violation causing the suspension has been corrected.

[(3) A suspension shall not be imposed for a violation unless the violator has previously committed the same violation and the department has, within the six months immediately preceding the violation for which the suspension is imposed, provided written notification to the violator that another violation of the same character would be grounds for suspension. The notice of suspension shall be in writing and shall state length of the suspension and the reason for the suspension.]

[(4)] **(3)** The provisions of ORS 183.413 to 183.470 do not apply to suspensions imposed under authority of this section, although appeal shall be in the manner provided by ORS 183.484, 183.486, 183.490 and 183.497. This subsection shall not deprive a person of the right to present any defense to a criminal prosecution instituted for violation of ORS 621.062, 621.070, 621.072, 621.076, 621.084, 621.088, 621.117, 621.122 (7), 621.226 or 621.259, nor shall it deprive a person of the right to a declaratory judgment.

SECTION 3. The amendments to ORS 621.073 by section 2 of this 2017 Act apply to violations that occur on or after the effective date of this 2017 Act.

Passed by House February 27, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate March 23, 2017

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State