

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1005**

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 20 and
2 delete pages 2 through 4 and insert:

3 **“SECTION 1. As used in sections 1 to 5 of this 2019 Act:**

4 **“(1) ‘Food’ means:**

5 **“(a) An item used for food or drink for human or animal con-**
6 **sumption or the components of the item;**

7 **“(b) Chewing gum or chewing gum components; or**

8 **“(c) A food supplement for special dietary use that is necessitated**
9 **because of a physical, physiological, pathological or other condition.**

10 **“(2) ‘Kratom processor’ means a person that:**

11 **“(a) Sells, prepares, processes, manufactures, distributes or main-**
12 **tains a kratom product; or**

13 **“(b) Advertises, represents or holds out as being a person that sells,**
14 **prepares, processes, manufactures, distributes or maintains a kratom**
15 **product.**

16 **“(3) ‘Kratom product’ means a food containing any part of the leaf**
17 **of the plant *Mitragyna speciosa*.**

18 **“SECTION 2. (1) A kratom processor that prepares, distributes, sells**
19 **or offers for sale a kratom product shall disclose on the product label**
20 **the amount of mitragynine and 7-hydroxymitragynine contained in the**
21 **kratom product.**

1 “(2) A kratom processor may not prepare, distribute, sell or offer
2 for sale a kratom product:

3 “(a) That is mixed or packed with a nonkratom substance that af-
4 fects the quality or strength of the kratom product to such a degree
5 as to render the kratom product injurious to a consumer;

6 “(b) That contains a poisonous or otherwise deleterious nonkratom
7 ingredient, including a controlled substance as defined in ORS 475.005;

8 “(c) That contains a level of 7-hydroxymitragynine in the alkaloid
9 fraction that is greater than two percent of the alkaloid composition
10 of the kratom product;

11 “(d) That contains a synthetic alkaloid, including synthetic
12 mitragynine, synthetic 7-hydroxymitragynine or any other synthet-
13 ically derived compound of the plant *Mitragyna speciosa*; or

14 “(e) That does not include a product label on the kratom product
15 packaging that states the amount of mitragynine and
16 7-hydroxymitragynine contained in the kratom product.

17 “(3) Notwithstanding ORS 659A.403, a kratom processor may not
18 distribute, sell or offer for sale a kratom product to an individual un-
19 der 21 years of age.

20 “SECTION 3. (1)(a) A kratom processor shall ensure that any
21 kratom product the processor intends to prepare, distribute, sell or
22 offer for sale is registered with the State Department of Agriculture.

23 “(b) A kratom processor may not prepare, distribute, sell or offer
24 for sale a kratom product that is not registered with the department
25 as described in this section.

26 “(2)(a) The department may by rule create standards and proce-
27 dures for registering a kratom product under this section, including
28 standards for:

29 “(A) Testing, by state laboratory or private laboratory, to ensure
30 the kratom product is suitable for human consumption; and

1 **“(B) Accurate labeling.**

2 **“(b) The department shall by rule set a fee to register a kratom**
3 **product.**

4 **“(c) The fee described in paragraph (b) of this subsection must be**
5 **paid by a kratom processor before a kratom product may be registered**
6 **with the department.**

7 **“(3) The department may at any time inspect or test a registered**
8 **kratom product to verify continued compliance with this section. A**
9 **kratom processor shall provide the department with a sample of a**
10 **registered kratom product sufficient for testing upon request by the**
11 **department.**

12 **“(4) The department may seize and destroy any unregistered kratom**
13 **product, a kratom product described in section 2 (2) of this 2019 Act**
14 **or a kratom product that does not satisfy the standards established**
15 **under subsection (2)(a) of this section if the kratom product is pre-**
16 **pared, distributed, sold or offered for sale in this state.**

17 **“(5) The department shall by rule set reasonable fees, including the**
18 **registration fee described in subsection (2)(b) of this section, necessary**
19 **to carry out the duties and responsibilities described in this section**
20 **and section 5 of this 2019 Act.**

21 **“(6) The department shall adopt rules necessary to carry out the**
22 **provisions of this section.**

23 **“SECTION 4. In addition to and distinct from any other remedy at**
24 **law, an individual may bring a civil action for damages resulting from**
25 **a violation of sections 1 to 5 of this 2019 Act, including economic or**
26 **noneconomic damages.**

27 **“SECTION 5. (1) In addition to any other liability or remedy pro-**
28 **vided by law, the State Department of Agriculture may impose on a**
29 **kratom processor a civil penalty for each violation of section 2 of this**
30 **2019 Act as follows:**

1 “(a) No more than \$500 for the first offense; and
2 “(b) No more than \$1,000 for a second or subsequent offense.
3 “(2) In addition to any other liability or remedy provided by law, the
4 department may impose on a kratom processor a civil penalty for each
5 violation of section 3 (1)(b) of this 2019 Act. The penalty must be
6 greater than the fee described in section 3 (2)(b) of this 2019 Act.
7 “(3) The department may adopt rules establishing a schedule of civil
8 penalties that may be imposed under this section.
9 “(4) Civil penalties under this section shall be imposed as provided
10 in ORS 183.745.
11 “SECTION 6. The Kratom Enforcement Fund is established in the
12 State Treasury, separate and distinct from the General Fund. The
13 fund consists of moneys deposited in the fund under sections 3 and 5
14 of this 2019 Act and may include moneys appropriated, allocated, de-
15 posited or transferred to the fund by the Legislative Assembly or oth-
16 erwise. The moneys in the fund are continuously appropriated to the
17 State Department of Agriculture to carry out sections 3 and 5 of this
18 2019 Act.
19 “SECTION 7. Section 1, chapter 93, Oregon Laws 2014, as amended by
20 section 6, chapter 74, Oregon Laws 2016, is amended to read:
21 “**Sec. 1.** (1) The Task Force on School Safety is established, consisting
22 of [16] 18 members as follows:
23 “(a) The Superintendent of State Police or the superintendent’s designee.
24 “(b) The Director of the Department of Public Safety Standards and
25 Training or the director’s designee.
26 “(c) The Governor’s Public Safety Policy Advisor.
27 “(d) The Governor’s Education Policy Advisor.
28 “(e) The President of the Senate shall appoint one member from among
29 members of the Senate.
30 “(f) The Speaker of the House of Representatives shall appoint one mem-

1 ber from among members of the House of Representatives.

2 “(g) The Governor shall appoint [10] **12** members as follows:

3 “(A) A member of the Oregon State Sheriffs’ Association;

4 “(B) A member of the Oregon Association Chiefs of Police;

5 “(C) A member of the Oregon Fire Chiefs Association;

6 “(D) A member of the Oregon Education Association;

7 “(E) A member of the Oregon School Employees Association;

8 “(F) A member of the Oregon School Boards Association;

9 “(G) A member of the Oregon Association of Education Service Districts;

10 “(H) A member of the Confederation of Oregon School Administrators;

11 “(I) A member representing the Department of Education; [and]

12 “(J) A member of the Association of Oregon Community Mental Health
13 Programs[.];

14 **“(K) A member of the Oregon Health Authority; and**

15 **“(L) A member of the Office of Emergency Management.**

16 “(2) Members of the Legislative Assembly appointed to the task force are
17 nonvoting members of the task force and may act in an advisory capacity
18 only.

19 “(3) The task force shall:

20 “(a)(A) Develop a request for proposals to be published by the Department
21 of State Police for hiring a vendor to create a database of floor plans for all
22 schools within the state, accessible to authorized users via the Internet; and

23 “(B) Make recommendations to the Department of State Police for the
24 development of administrative rules governing the database, including but
25 not limited to:

26 “(i) Specifying the persons and agencies that may have access to the da-
27 tabase;

28 “(ii) Identifying the persons or agencies that will maintain the database;
29 and

30 “(iii) Regulating the manner in which database records are added or

1 modified;

2 “(b) Examine models of existing education and training programs for law
3 enforcement officials, other first responders and school employees in the area
4 of school safety and incident response; and

5 “(c) Examine models for existing protocols for school safety and incident
6 response and consider whether standardized statewide school safety and in-
7 cident response protocols would be appropriate.

8 “(4) A majority of the voting members of the task force constitutes a
9 quorum for the transaction of business.

10 “(5) Official action by the task force requires the approval of a majority
11 of the voting members of the task force.

12 “(6) The task force shall elect one of its members to serve as chairperson
13 and one of its members to serve as vice chairperson.

14 “(7) If there is a vacancy for any cause, the appointing authority shall
15 make an appointment to become immediately effective.

16 “(8) The task force shall meet at times and places specified by the call
17 of the chairperson or of a majority of the voting members of the task force.

18 “(9) The task force may adopt rules necessary for the operation of the
19 task force.

20 “(10) The task force shall submit a report concerning the floor plan da-
21 tabase in the manner provided by ORS 192.245, and may include recommen-
22 dations for legislation, to an interim committee of the Legislative Assembly
23 related to the judiciary as appropriate no later than September 1, 2017. A
24 second report shall be submitted in a similar manner no later than September
25 1, 2019. **A third report shall be submitted in a similar manner no later**
26 **than September 1, 2021.**

27 “(11) The Department of State Police shall provide staff support to the
28 task force.

29 “(12) Members of the task force who are not members of the Legislative
30 Assembly are not entitled to compensation, but may be reimbursed for actual

1 and necessary travel and other expenses incurred by them in the performance
2 of their official duties in the manner and amounts provided for in ORS
3 292.495. Claims for expenses incurred in performing functions of the task
4 force shall be paid out of funds appropriated to the Department of State
5 Police for purposes of the task force.

6 “(13) All agencies of state government, as defined in ORS 174.111, are di-
7 rected to assist the task force in the performance of its duties and, to the
8 extent permitted by laws relating to confidentiality, to furnish such infor-
9 mation and advice as the members of the task force consider necessary to
10 perform their duties.

11 **“SECTION 8.** Section 2, chapter 93, Oregon Laws 2014, as amended by
12 section 7, chapter 74, Oregon Laws 2016, is amended to read:

13 **“Sec. 2.** Section 1, chapter 93, Oregon Laws 2014, is repealed on December
14 31, [2019] **2021.**

15 **“SECTION 9. (1) Sections 1 to 5 of this 2019 Act become operative**
16 **on January 1, 2020.**

17 **“(2) The State Department of Agriculture may take any action be-**
18 **fore the operative date specified in subsection (1) of this section that**
19 **is necessary to enable the department to exercise, on and after the**
20 **operative date specified in subsection (1) of this section, all of the du-**
21 **ties, functions and powers conferred on the department by sections 1**
22 **to 5 of this 2019 Act.**

23 **“SECTION 10. This 2019 Act being necessary for the immediate**
24 **preservation of the public peace, health and safety, an emergency is**
25 **declared to exist, and this 2019 Act takes effect July 1, 2019.”.**

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