

# Enrolled Senate Bill 36

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CHAPTER .....

AN ACT

Relating to animal feed fees; amending ORS 633.015 and 633.029; and declaring an emergency.

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

**SECTION 1.** ORS 633.015 is amended to read:

633.015. (1) A person may not distribute a nonregistered commercial feed. Except as provided in subsections (2), (5) and (6) of this section, every brand, and each formula or formulation thereof, of commercial feeds manufactured, compounded, delivered or distributed in this state must be registered with the State Department of Agriculture. The distributor must submit an application for registration on forms furnished by the department. If the department so requests, the distributor must submit the label or a facsimile of the label and other printed matter describing the product. Upon approval by the department, a certificate of registration shall be furnished to the distributor. All registrations expire on December 31 of each year or on such date as may be specified by department rule. The application must include the information required by ORS 633.026 (1)(a) to (f) and such other information as the department may require.

(2) A distributor is not required to register any brand of commercial feed that has been registered under ORS 633.006 to 633.089 by another person.

(3) Changes in the guarantee of either chemical or ingredient composition of a registered commercial feed may be permitted, if there is satisfactory evidence that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

(4) The department may refuse registration of any commercial feed if the application is not in compliance with the provisions of ORS 633.006 to 633.089. The department may cancel any registration subsequently found not to be in compliance with any provision of ORS 633.006 to 633.089. The department shall give the registrant reasonable opportunity to be heard before the department and to amend the application in order to comply with the requirements of ORS 633.006 to 633.089.

(5) Custom mixed feeds are exempt from registration.

(6) Wild bird feed consisting of unmixed seeds is exempt from registration.

(7) Each application for registration must be accompanied by a fee to be established by the department not to exceed [\$20] **\$60** for each formula or formulation of commercial feed under each brand.

**SECTION 2.** ORS 633.029 is amended to read:

633.029. (1)(a) A person may not operate an animal feed manufacturing plant, distribute commercial feeds other than at retail, be furnished a certificate of registration of a brand in this state, distribute a custom mixed feed manufactured for that person, or repack or relabel a commercial

feed manufactured by another person without having first obtained a license from the State Department of Agriculture. Application for license must be on forms prescribed by the department and must be accompanied by a license fee established by the department, not to exceed [\$500] **\$1,000**. All licenses shall expire on December 31 of each year or on such date as may be specified by department rule.

(b) In accordance with the provisions of ORS chapter 183, the department may promulgate rules designating different license fees for various categories of persons described in paragraph (a) of this subsection, so as to recognize differences in types of activities or volumes of business.

(2)(a) A contract feeder is not subject to the provisions of subsection (1) of this section, provided no drugs in any form are utilized in the manufacturing, mixing or processing of the feed. In the event drugs are so utilized, the contract feeder or other person utilizing the drugs is subject to the provisions of subsection (1) of this section.

(b) In accordance with the applicable provisions of ORS chapter 183, the department shall promulgate rules designating the types or categories of persons described in paragraph (a) of this subsection to whom this section applies. In promulgating such rules, the department shall consider:

- (A) The methods of manufacture, mixing or processing of feed used;
- (B) The quantities and kinds of drugs used; and
- (C) The number, ages and kinds of animals to which the feed is to be made available.

**SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.**

**Passed by Senate June 21, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 24, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State