

Senate Bill 832

Sponsored by Senator PROZANSKI (at the request of Animal Wellness Action, Center for a Humane Economy)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person, on or after effective date of Act, from breeding mink, transporting mink to or from mink farm or working at mink farm unless person has tested negative for COVID-19 within previous 10 days. Directs State Department of Agriculture to establish and implement contract tracing for mink farm workers. Punishes violation with maximum of 364 days' imprisonment, \$6,250 fine, or both, and maximum civil penalty of \$2,500.

Prohibits person from operating mink farm. Directs Director of Oregon Health Authority to determine soonest feasible date for implementing prohibition. Provides that prohibition becomes operative on date determined by director. Punishes violation with maximum of 364 days' imprisonment, \$6,250 fine, or both, and maximum civil penalty of \$2,500.

For persons who operate mink farms on effective date of Act, directs state workforce agencies to treat persons as covered persons for purposes of priority of service, State Department of Agriculture to waive registration and application fees related to commodities and Department of Consumer and Business Services to assist persons with access to small business loans.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to mink farms; creating new provisions; amending ORS 596.020, 596.990 and 596.995; and
3 declaring an emergency.

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

5 **SECTION 1. Sections 2 and 4 of this 2021 Act are added to and made a part of ORS**
6 **chapter 596.**

7 **SECTION 2. (1) As used in this section:**

8 (a) "COVID-19" means a disease caused by the severe acute respiratory syndrome
9 coronavirus 2 (SARS-CoV-2).

10 (b) "Mink farm" has the meaning given that term in section 4 of this 2021 Act.

11 (2) On or after the effective date of this 2021 Act, a person may not:

12 (a) Breed mink or transport mink to or from a mink farm.

13 (b) Work at a mink farm unless the person has tested negative for COVID-19 within the
14 previous 10 days.

15 (3) The State Department of Agriculture shall establish and implement a program of
16 contract tracing for persons who work at mink farms. The department may adopt rules as
17 necessary to comply with this subsection.

18 **SECTION 3. Section 2 of this 2021 Act is repealed on January 1, 2023.**

19 **SECTION 4. (1) As used in this section, "mink farm" means a facility that engages in the**
20 **breeding or raising of mink for a commercial purpose.**

21 (2) A person may not operate a mink farm.

22 **SECTION 5. (1) The Director of the Oregon Health Authority shall determine and publicly**
23 **announce the soonest feasible date for implementing the prohibition described in section 4**
24 **of this 2021 Act. The date must be:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Not later than 180 days after the effective date of this 2021 Act.

2 (b) Not earlier than 90 days after the director publicly announces a date pursuant to this
3 subsection.

4 (2) Section 4 of this 2021 Act becomes operative on the date determined and publicly an-
5 nounced by the director pursuant to subsection (1) of this section.

6 **SECTION 6.** ORS 596.020 is amended to read:

7 596.020. (1) The State Department of Agriculture shall:

8 (a) Exercise general sanitary and disease control supervision over the livestock of this state,
9 and as far as possible, protect the livestock of this state from disease.

10 (b) Take all measures necessary and proper, in its judgment, to control diseases within this state
11 and to eradicate and prevent the spread of infectious, contagious and communicable diseases that
12 may exist among livestock and to prevent the entry into this state of animals or materials liable to
13 convey infectious, contagious and communicable diseases to the livestock or people of this state.

14 (c) Prohibit and prevent the sale or use of products dangerous to the health of livestock.

15 (2) The breeding, raising, producing in captivity and marketing of foxes, [*mink*,] chinchilla,
16 rabbit, caracul or ratite is an agricultural pursuit. All such animals raised in captivity are
17 domesticated fur-bearing animals or domesticated fowl within the meaning of ORS 596.010 and are
18 subject to the provisions of this chapter. Such animals are not within the purview of the state game
19 laws. All other animals in captivity are subject to the provisions of this chapter for purposes of
20 disease control only.

21 (3) The department may, to the extent of its professional ability and at the request of a gov-
22 ernmental body, assist them in the performance of their prescribed duties.

23 **SECTION 7. Section 6 of this 2021 Act becomes operative on the date determined and**
24 **publicly announced by the Director of the Oregon Health Authority pursuant to section 5 (1)**
25 **of this 2021 Act.**

26 **SECTION 8.** ORS 596.990 is amended to read:

27 596.990. (1) Violation of any of the provisions of ORS 596.075, 596.321, 596.331 (1) or (3), 596.351,
28 596.388, 596.392 (1) to (3) or (6), 596.404 to 596.416 or 596.460 **or section 2 or 4 of this 2021 Act**,
29 or of any lawful order of the State Department of Agriculture issued pursuant to this chapter, is a
30 Class A violation.

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

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

35 **SECTION 9.** ORS 596.990, as amended by section 8 of this 2021 Act, is amended to read:

36 596.990. (1) Violation of any of the provisions of ORS 596.075, 596.321, 596.331 (1) or (3), 596.351,
37 596.388, 596.392 (1) to (3) or (6), 596.404 to 596.416 or 596.460 or section [2 *or*] 4 of this 2021 Act,
38 or of any lawful order of the State Department of Agriculture issued pursuant to this chapter, is a
39 Class A violation.

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

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

44 **SECTION 10. Section 9 of this 2021 Act becomes operative on January 2, 2023.**

45 **SECTION 11.** ORS 596.995 is amended to read:

1 596.995. (1) Any manufacturer of an animal remedy, veterinary biologic or pharmaceutical who
 2 violates any provision of ORS 596.100 or 596.105 applicable to manufacturers or any rule adopted
 3 pursuant thereto or the terms or conditions of any license, registration or order issued by the State
 4 Department of Agriculture under ORS 596.100 or 596.105, **or a person that violates section 2 or**
 5 **4 of this 2021 Act**, shall be subject to a civil penalty not to exceed \$2,500 per violation. Civil pen-
 6 alties under this section are in addition to any other penalty provided by law.

7 (2) Each violation may be a separate and distinct offense, and, in the case of a continuing vio-
 8 lation, each day’s continuance thereof may be deemed a separate and distinct offense.

9 (3) The department shall adopt a schedule or schedules establishing the amount of civil penalty
 10 that may be imposed for a particular violation.

11 (4) Civil penalties under this section shall be imposed in the manner provided in ORS 183.745.

12 **SECTION 12.** ORS 596.995, as amended by section 11 of this 2021 Act, is amended to read:

13 596.995. (1) Any manufacturer of an animal remedy, veterinary biologic or pharmaceutical who
 14 violates any provision of ORS 596.100 or 596.105 applicable to manufacturers or any rule adopted
 15 pursuant thereto or the terms or conditions of any license, registration or order issued by the State
 16 Department of Agriculture under ORS 596.100 or 596.105, **or a person that violates section [2 or] 4**
 17 **of this 2021 Act**, shall be subject to a civil penalty not to exceed \$2,500 per violation. Civil penalties
 18 under this section are in addition to any other penalty provided by law.

19 (2) Each violation may be a separate and distinct offense, and, in the case of a continuing vio-
 20 lation, each day’s continuance thereof may be deemed a separate and distinct offense.

21 (3) The department shall adopt a schedule or schedules establishing the amount of civil penalty
 22 that may be imposed for a particular violation.

23 (4) Civil penalties under this section shall be imposed in the manner provided in ORS 183.745.

24 **SECTION 13.** **Section 12 of this 2021 Act becomes operative on January 2, 2023.**

25 **SECTION 14.** (1) **As used in this section:**

26 (a) **“Commodity” has the meaning given that term in ORS 576.051.**

27 (b) **“Mink farm” has the meaning given that term in section 4 of this 2021 Act.**

28 (2) **Under workforce programs administered by state workforce agencies, state workforce**
 29 **agencies shall treat a person who operates a mink farm on the effective date of this 2021**
 30 **Act as a covered person for purposes of priority of service.**

31 (3) **Notwithstanding any contrary requirement, the State Department of Agriculture shall**
 32 **waive for a person who operates a mink farm on the effective date of this 2021 Act any fee**
 33 **for a registration or application related to a commodity.**

34 (4) **The Department of Consumer and Business Services shall assist persons who operate**
 35 **mink farms on the effective date of this 2021 Act with accessing small business loans. The**
 36 **department may adopt rules as necessary to implement this subsection.**

37 **SECTION 15.** **This 2021 Act being necessary for the immediate preservation of the public**
 38 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
 39 **on its passage.**