

Requested by Representative WILDE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3013**

1 In line 2 of the printed bill, after the semicolon, delete the rest of the line
2 and insert “creating new provisions; amending ORS 571.285 and 571.348; and
3 prescribing an effective date.”.

4 Delete lines 4 through 11 and insert:

5 **“SECTION 1. Sections 2 to 5 of this 2021 Act are added to and made**
6 **a part of ORS 571.260 to 571.348.**

7 **“SECTION 2. (1) The State Department of Agriculture shall adopt**
8 **rules to require that a grower registered under ORS 571.281 accurately**
9 **report to the department:**

10 **“(a) That the grower does not intend to plant an industrial hemp**
11 **crop at the location for which a registration is issued under ORS**
12 **571.281; or**

13 **“(b) Any loss of all or part of an industrial hemp crop.**

14 **“(2) The rules adopted under this section must include a timeline**
15 **for reporting to the department and may include other rules necessary**
16 **to carry out this section.**

17 **“SECTION 3. (1) If the industrial hemp crop of a grower registered**
18 **under ORS 571.281 is found to contain an average tetrahydrocannabinol**
19 **concentration that exceeds the limit described in ORS 571.281 (7) and**
20 **the State Department of Agriculture requires the grower to destroy**
21 **or remediate the industrial hemp crop, the grower shall provide doc-**

1 **umentation to the department of the destruction or remediation.**

2 **“(2) The department shall adopt rules to carry out this section, in-**
3 **cluding rules to specify acceptable documentation for purposes of**
4 **subsection (1) of this section and timelines for providing the doc-**
5 **umentation to the department.**

6 **“SECTION 4. (1) If a person that plants an industrial hemp crop**
7 **prior to applying for a grower registration under ORS 571.281, the State**
8 **Department of Agriculture shall:**

9 **“(a) Prioritize the person’s industrial hemp crop for inspection un-**
10 **der ORS 571.281 (7); and**

11 **“(b) Require the person to enter into a corrective action plan with**
12 **the department.**

13 **“(2) If the person described in subsection (1) of this section does not**
14 **enter into a corrective action plan pursuant to subsection (1) of this**
15 **section, the department may not issue a registration to the person**
16 **under ORS 571.281.**

17 **“(3) The department may adopt rules to carry out this section, in-**
18 **cluding rules to establish the corrective action plan described in sub-**
19 **section (1) of this section.**

20 **“SECTION 5. The State Department of Agriculture may enter into**
21 **an agreement with the Oregon Liquor Control Commission that au-**
22 **thorizes the commission to assist the department in carrying out the**
23 **inspections under ORS 571.281 (7). An agreement under this section**
24 **may authorize the commission to carry out inspections under ORS**
25 **571.281 (7) on behalf of the department.**

26 **“SECTION 6. ORS 571.285 is amended to read:**

27 **“571.285. (1) Subject to the provisions of ORS chapter 183, the State De-**
28 **partment of Agriculture may revoke the registration of a grower, handler or**
29 **agricultural hemp seed producer or refuse to register or renew the registra-**
30 **tion if a grower, handler or agricultural hemp seed producer violates:**

1 “(a) A provision of ORS 571.260 to 571.348;

2 “(b) A rule adopted under a provision of ORS 571.260 to 571.348;

3 “(c) An order issued by the department pursuant to a provision of ORS
4 571.260 to 571.348 or a rule adopted under a provision of ORS 571.260 to
5 571.348, **including an order of detainment issued under ORS 571.281**; or

6 “(d) Any statutory law or department rule related to agricultural activ-
7 ities other than industrial hemp operations.

8 “(2) The department may not discipline a grower, handler or agricultural
9 hemp seed producer under this section on the basis that possessing, deliver-
10 ing and manufacturing industrial hemp are prohibited by federal law.

11 **“SECTION 7.** ORS 571.348 is amended to read:

12 “571.348. (1) Subject to the provisions of ORS chapter 183, the State De-
13 partment of Agriculture may impose a civil penalty not to exceed \$2,500 on
14 a person for violating:

15 “(a) A provision of ORS 571.260 to 571.348;

16 “(b) A rule adopted under a provision of ORS 571.260 to 571.348; or

17 “(c) An order issued by the department pursuant to a provision of ORS
18 571.260 to 571.348 or a rule adopted under a provision of ORS 571.260 to
19 571.348.

20 **“(2) In addition to the penalty described in subsection (1) of this**
21 **section, subject to the provisions of ORS chapter 183, the department**
22 **may impose a civil penalty not to exceed \$10,000 on a person if the**
23 **person is a grower registered under ORS 571.281 and the department**
24 **determines that the person’s industrial hemp crop contains an average**
25 **tetrahydrocannabinol concentration of at least 10 percent on a dry**
26 **weight basis.**

27 “[2)] (3) The department may not discipline a person under this section
28 on the basis that possessing, delivering and manufacturing industrial hemp
29 are prohibited by federal law.

30 “[3)] (4) All moneys collected by the department under this section shall

1 be deposited in the General Fund in the State Treasury to the credit of the
2 Industrial Hemp Fund established under ORS 571.278.

3 **“SECTION 8. (1) Sections 2 to 5 of this 2021 Act and the amend-
4 ments to ORS 571.285 and 571.348 by sections 6 and 7 of this 2021 Act
5 become operative on January 1, 2022.**

6 **“(2) The State Department of Agriculture and the Oregon Liquor
7 Control Commission may take any action before the operative date
8 specified in subsection (1) of this section that is necessary to enable
9 the department and the commission to exercise, on or after the oper-
10 ative date specified in subsection (1) of this section, all of the duties,
11 functions and powers conferred on the department and the commission
12 by sections 2 to 5 of this 2021 Act and the amendments to ORS 571.285
13 and 571.348 by sections 6 and 7 of this 2021 Act.**

14 **“SECTION 9. This 2021 Act takes effect on the 91st day after the
15 date on which the 2021 regular session of the Eighty-first Legislative
16 Assembly adjourns sine die.”.**

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