

Requested by Senator GOLDEN

**PROPOSED AMENDMENTS TO  
SENATE BILL 507**

1 On page 1 of the printed bill, line 2, after “616.683” insert “, 616.686,  
2 632.715 and 632.771”.

3 Delete lines 5 through 31 and delete page 2.

4 On page 3, delete lines 1 through 29 and insert:

5 **“SECTION 1.** ORS 616.683 is amended to read:

6 “616.683. (1)[(a)] Except as provided in subsection [(7)] **(8)** of this section,  
7 **the following are not subject to ORS 616.695 to 616.755:**

8 **“(a) The use of space by a farm direct marketer for** the sale, or ex-  
9 posure or offering for sale, of agricultural products described in [*subsections*  
10 *(2) and (3)*] **subsection (2)** of this section by [a] **the** farm direct marketer  
11 [*does not make the space used by the farm direct marketer subject to ORS*  
12 *616.695 to 616.755*].

13 **“(b) [Except as provided in subsection (7) of this section,]** The sale, or ex-  
14 posure or offering for sale, of agricultural products described in [*subsections*  
15 *(2) and (3)*] **subsection (2)** of this section by a farm direct marketer [*does*  
16 *not make the farm direct marketer or a consigning agricultural producer sub-*  
17 *ject to ORS 616.695 to 616.755*].

18 **“(c) [Except as provided in subsection (7) of this section,]** The storage or  
19 preparation of agricultural products identified for sale by a farm direct  
20 marketer [*does not make the farm direct marketer subject to ORS 616.695 to*  
21 *616.755*].

1 “(2) Subsection (1) of this section applies to farm direct marketer sales,  
2 **and consignment sales**, of the following types of agricultural products:

3 “(a) Fresh fruit, vegetables and herbs.

4 “(b) Fruit, vegetables and herbs, if those items are cured or dried by the  
5 agricultural producer as part of routine post-harvest handling.

6 “(c) Dried **or freeze-dried** fruits, vegetables and herbs for which drying  
7 is not part of routine post-harvest handling, **or herbal tea or a blend of**  
8 **dried herbs**, if:

9 “(A) The principal ingredients are grown by the agricultural producer;  
10 and

11 “(B) The product is labeled with a list of ingredients and the name and  
12 address of the agricultural producer.

13 “(d) Shelled nuts and unshelled nuts, if those items are cured or dried by  
14 the agricultural producer as part of routine post-harvest handling.

15 “(e) Fruit-based syrups, preserves, jams, fruits and vegetables, **and fruit**  
16 **and vegetable juices**, if those items are:

17 “(A) Producer-processed products;

18 “(B) Acidic foods;

19 “(C) Labeled with a list of ingredients and the name and address of the  
20 agricultural producer; and

21 “(D) Bottled, packaged, [*or*] **water-bath** canned **or steam** canned by an  
22 agricultural producer that during the preceding calendar year had annual  
23 sales of fruit-based syrups, preserves and jams, fruits and vegetables, **and**  
24 **fruit and vegetable juices**, described in subparagraphs (A) to (C) of this  
25 paragraph that in total did not exceed [*\$20,000 or a higher limit established*  
26 *by State Department of Agriculture rule under ORS 616.686*] **\$50,000**.

27 “(f) Shell eggs.

28 “(g) Honey, if not combined with other food ingredients.

29 “(h) Olive oil.

30 “(i) Whole, hulled, crushed or ground grains, legumes and seeds, if of a

1 type customarily cooked before consumption.

2 “(j) Parched or roasted grains, if of a type customarily cooked before  
3 consumption.

4 “(k) **Tree-sap-based solid sugar, cream and liquid syrup products**  
5 **that are made by heating sap from trees of the genuses Acer or**  
6 **Juglans and have a solids content of not less than 66 percent by**  
7 **weight, or 66 degrees Brix, and to which nothing has been added.**

8 “[k] (L) Popcorn, nuts, peppers and corn on the cob, if those items are  
9 roasted at the place of purchase by the agricultural producer after purchase  
10 and not sold for immediate consumption.

11 “[L] (m) Products identified by the [department] **State Department of**  
12 **Agriculture** by rule.

13 “[3] *Subsection (1) of this section applies to consignment sales of the fol-*  
14 *lowing types of agricultural products:]*

15 “[a] *Fresh fruits, vegetables and herbs.]*

16 “[b] *Fruit, vegetables and herbs, if those items are cured or dried by the*  
17 *agricultural producer as part of routine post-harvest handling.]*

18 “[c] *Unshelled nuts that are cured or dried by the agricultural producer*  
19 *as part of routine post-harvest handling.]*

20 “[d] *Shell eggs, if the producer or the seller is licensed as an egg*  
21 *handler.]*

22 “[e] *Honey, if not combined with other food ingredients.]*

23 “[f] *Olive oil.]*

24 “[g] *Products identified by the department by rule.]*

25 “[4] (3) Subsection (1) of this section does not apply to foods that have  
26 been commingled.

27 “[5] (4) Title to agricultural products sold on consignment remains with  
28 the consigning agricultural producer until the products are sold to consum-  
29 ers. Agricultural products sold on consignment must be clearly and conspic-  
30 uously labeled with the name and business address of the consigning

1 agricultural producer.

2 **“(5) Subsection (1) of this section applies to Internet sales of agri-**  
3 **cultural products described in subsection (2) of this section by a farm**  
4 **direct marketer, as long as the Internet sales:**

5 **“(a) Are to persons within this state; or**

6 **“(b) Comply with any applicable federal requirements concerning**  
7 **interstate sales of agricultural products.**

8 **“(6) A farm direct marketer may contract with a third party for**  
9 **delivery, marketing or other facilitation of sales of agricultural pro-**  
10 **ducts described in subsection (2) of this section, subject to the pro-**  
11 **visions of this section and any rules adopted under ORS 616.686.**

12 **“[(6)(a)] (7)(a)** In addition to any other required labeling, agricultural  
13 products described in subsections (2)(e) to [(j)] **(k)** [or (3)(d) to (f)] of this  
14 section shall bear on the label a statement informing consumers that the  
15 product is not prepared in an inspected food establishment. Except as pro-  
16 vided in paragraph (b) of this subsection, the required wording for the label  
17 statement is: ‘This product is homemade and is not prepared in an inspected  
18 food establishment.’

19 **“(b)** The department may adopt rules specifying alternative wording for  
20 the label statement required under paragraph (a) of this subsection to the  
21 extent that the alternative wording is necessary in order to comply with  
22 federal requirements.

23 **“[(7)] (8)** The department may require that a farm direct marketer or the  
24 space used by the farm direct marketer be licensed under ORS 616.695 to  
25 616.755, if the farm direct marketer or the person in control of the space used  
26 by the farm direct marketer refuses to comply with a department rule  
27 adopted under ORS 616.686 or 616.700 for keeping the space used by the farm  
28 direct marketer in a clean, healthful and sanitary condition or for ensuring  
29 the condition and safety of the food the farm direct marketer provides to  
30 retail purchasers.”.

1 After line 33, insert:

2 **“SECTION 4.** ORS 616.686 is amended to read:

3 “616.686. (1) The State Department of Agriculture may adopt rules for the  
4 administration and enforcement of ORS 616.683.

5 “(2) [*The department may adopt rules increasing the food sales limit de-*  
6 *scribed in ORS 616.683 (2)(e)(D) by an amount that reflects changes in the*  
7 *Consumer Price Index for All Urban Consumers, West Region (All Items), as*  
8 *published by the Bureau of Labor Statistics of the United States Department*  
9 *of Labor.*] The State Department of Agriculture may not adopt rules to [*de-*  
10 *crease the food sales limit described in ORS 616.683 (2)(e)(D) or to*] decrease  
11 an acidified food sales limit previously established by the department by rule.

12 **“SECTION 5.** ORS 632.715 is amended to read:

13 “632.715. (1) Unless the person holds a permit issued under ORS 632.730,  
14 a person may not sell or distribute within this state any eggs to consumers  
15 or to retailers without having first obtained an egg handler’s license from  
16 the State Department of Agriculture. The license is not required:

17 “(a) Of a producer selling and delivering eggs of the producer’s own pro-  
18 duction directly to an individual consumer;

19 “(b) For the sale of uncandled eggs to other than a consumer;

20 “(c) For the sale by a retailer to a consumer of eggs that previously have  
21 been candled and graded by an egg handler in compliance with ORS 632.705  
22 to 632.815; or

23 “(d) For the sale on consignment under ORS 616.683 [(3)(d)] **(2)(f)** of eggs  
24 produced by a licensed egg handler.

25 “(2) Application for an egg handler’s license shall be made to the depart-  
26 ment, on forms prescribed by the department.

27 “(3) Each egg handler’s license expires on June 30 next following the date  
28 of issuance or on such date as may be specified by department rule. The li-  
29 cense is not transferable to any person. The original of the license shall be  
30 conspicuously displayed in the main office of the licensee. A duplicate copy

1 of the license shall be conspicuously displayed in each separate branch,  
2 store, sales outlet, office, warehouse or location operated or owned by the  
3 licensee in which eggs are candled or graded.

4 “(4) The department, in accordance with ORS chapter 183, may refuse to  
5 issue, or may suspend or revoke, an egg handler’s license issued under this  
6 section, or a permit issued under ORS 632.730, if the applicant, the permit  
7 holder or the licensee has violated or is violating the provisions of ORS  
8 632.705 to 632.815 or rules promulgated pursuant thereto.

9 **“SECTION 6.** ORS 632.771 is amended to read:

10 “632.771. (1) The labeling of any container used by an egg handler shall  
11 include the information required by the federal Act or rules promulgated  
12 thereunder, or:

13 “(a) The full, correct and unabbreviated designation of size and grade or  
14 quality of the eggs;

15 “(b) The common or usual name, if any there be, of the eggs or egg  
16 product;

17 “(c) The lot or production code, number or date;

18 “(d) The net contents;

19 “(e) The name and address of the egg handler or distributor, and in the  
20 case of a distributor shall include qualifying terms as ‘packed for,’ ‘distrib-  
21 uted by’ or ‘distributor’; and

22 “(f) The Oregon state egg seal or the official number assigned to the egg  
23 handler by the State Department of Agriculture.

24 “(2) The labeling information required by subsection (1) of this section  
25 shall be of a size and in a location prescribed by the department or by the  
26 rules promulgated under the federal Act.

27 “(3) If eggs are sold by retailers to consumers from a bulk display, in lieu  
28 of the labeling information required by subsection (1) of this section, there  
29 shall be a clearly visible and legible placard prominently displayed imme-  
30 diately adjacent to such display containing the size and grade or quality of

1 the eggs.

2 “(4) Advertising of eggs or egg products shall conform to such provisions  
3 of subsection (1) of this section as the department may prescribe.

4 “(5) Notwithstanding subsections (1) to (4) of this section and ORS 632.786  
5 (5) and (9), except as provided under subsection (6)(a) of this section, a pro-  
6 ducer may sell candled eggs using the designation ‘ungraded’ instead of des-  
7 ignating the size and grade or quality of the eggs if:

8 “(a) The producer:

9 “(A) Sells eggs of the producer’s own production directly to consumers;  
10 or

11 “(B) Sells eggs of the producer’s own production by consignment under  
12 ORS 616.683 [(3)(d)] **(2)(f)**.

13 “(b) The labeling and display of the ‘ungraded’ designation conforms with  
14 the size and location requirements prescribed under subsections (2) and (3)  
15 of this section for the labeling and display of an egg grade designation.

16 “(6) For ungraded eggs described in subsection (5) of this section:

17 “(a) The labeling must include a net content statement indicating the  
18 number of ungraded eggs; and

19 “(b) The labeling or display need not include any statement of net  
20 weight.”.

21 In line 34, delete “4” and insert “7”.

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