

House Bill 2965

Sponsored by Representative GAMBA; Senator PHAM K (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act sets requirements for raising fish as food for humans. The Act creates a related fund. (Flesch Readability Score: 78.7).

Establishes certain requirements concerning aquaculture.

Establishes the Aquatic Animals Fund, separate and distinct from the General Fund. Appropriates moneys in the Aquatic Animals Fund to the State Department of Fish and Wildlife for certain purposes related to aquaculture and aquatic animals.

A BILL FOR AN ACT

1
2 Relating to aquaculture.

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

DEFINITIONS

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7 **SECTION 1. Sections 2 to 8 of this 2025 Act are added to and made a part of ORS chapter**
8 **498.**

9 **SECTION 2. As used in sections 2 to 8 of this 2025 Act:**

10 (1) **"Aquaculture":**

11 (a) **Means the farming of aquatic animals or aquatic plants for the primary purpose of**
12 **producing food for humans.**

13 (b) **Does not mean the activities of a hatchery that is owned or operated by this state.**

14 (2) **"Aquaculture facility":**

15 (a) **Means a facility that engages in aquaculture by propagating, rearing, holding, har-**
16 **vesting, transporting, receiving the transport of or slaughtering aquatic animals, either on**
17 **land or in a natural or artificial body of water, for the primary purpose of producing food for**
18 **humans.**

19 (b) **Does not mean a hatchery that is owned or operated by this state.**

20 (3) **"Aquatic animal":**

21 (a) **Means:**

22 (A) **Finfish belonging to the classes Agnatha (jawless fishes), Chondrichthyes**
23 **(cartilaginous fishes) and Osteichthyes (bony fishes);**

24 (B) **Cephalopods; and**

25 (C) **Any other game fish or food fish that is used as food for humans or for industrial**
26 **purposes, if the State Fish and Wildlife Commission designates the game fish or food fish as**
27 **an aquatic animal under this section.**

28 (b) **Notwithstanding paragraph (a)(C) of this subsection, does not mean:**

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) A sea urchin that belongs to the species *Strongylocentrotus purpuratus*.

2 (B) Clams.

3 (C) Mussels.

4 (D) Oysters.

5 (E) Scallops.

6 (4) "Food fish" has the meaning given that term in ORS 506.011.

7 (5) "Game fish" has the meaning given that term in ORS 496.009.

8 (6) "Genetically engineered":

9 (a) Means produced through the modification, cloning or manipulation of genes using
10 biotechnology, including gene editing techniques.

11 (b) Does not mean selective breeding.

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13 **FINDINGS ON AQUACULTURE**
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15 **SECTION 3.** The Legislative Assembly finds that:

16 (1) Aquaculture may be a growing industry.

17 (2) The state has a duty to protect the natural resources and ecosystems of this state.

18 (3) Industrial aquaculture presents risks to the environment, among other risks, and the
19 risks may be mitigated through appropriate regulation.

20 (4) Expert input is required in order to fully understand the risks associated with
21 aquaculture and establish appropriate regulation.

22 (5) To adequately protect this state's natural resources, aquaculture operations must
23 adhere to certain minimum standards related to preventing pollution and protecting water
24 quality.

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26 **FINFISH AND CEPHALOPOD AQUACULTURE**
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28 **SECTION 4.** (1) An agency of this state may not issue a license or permit to an
29 aquaculture facility that is in violation of this section or section 5 of this 2025 Act.

30 (2) The provisions of ORS 468B.025 and 468B.050 apply to an aquaculture facility licensed
31 under this section.

32 **SECTION 5.** (1) To protect public health and promote environmental protection, an
33 aquaculture facility:

34 (a) Must address water quality at the aquaculture facility, including by:

35 (A) Providing aeration and oxygen.

36 (B) Removing or filtering water so water parameters remain within limits for optimal
37 welfare conditions and for specific species of aquatic animals based on the best available
38 scientific evidence.

39 (C) Remediating the effects of feed in the water.

40 (b) May not:

41 (A) Stock aquatic animals at levels that exceed the optimal density for specific species
42 of aquatic animals, based on the best available scientific evidence to allow ample space in
43 which aquatic animals can engage in or express natural behaviors.

44 (B) Raise finfish in marine or estuarine waters in nets, cages or other vessels.

45 (C) Discharge water or waste into marine waters or estuaries.

1 (D) Release an aquatic animal from the aquaculture facility into the waters of this state.

2 (E) Use, grow or harvest genetically engineered aquatic animals.

3 (c) Must provide aquatic animals with an appropriate environment that includes a total
4 swimmable volume of water acceptable for specific species of aquatic animals based on the
5 best available scientific evidence.

6 (d) Notwithstanding ORS 498.012 and 610.105, may not take lethal action against a pred-
7 ator to further the operation of the aquaculture facility.

8 (2) Subsection (1)(b)(A) of this section does not apply to a business entity that:

9 (a) Is owned and operated independently from all other businesses; and

10 (b) Has annual gross revenues of less than \$500,000, as reported on the most recent tax
11 return submitted to the federal Internal Revenue Service or the Department of Revenue.

12 **SECTION 6.** (1) An aquaculture facility shall keep detailed records of:

13 (a) Medications or vaccinations administered to aquatic animals.

14 (b) Any outbreaks of infectious disease.

15 (c) Water quality tests.

16 (d) Any violations of sections 2 to 8 of this 2025 Act.

17 (2) The aquaculture facility shall:

18 (a) Immediately report any outbreak of infectious disease to the Department of Envi-
19 ronmental Quality and the State Department of Fish and Wildlife;

20 (b) Annually submit the records required under subsection (1) of this section to the State
21 Department of Fish and Wildlife; and

22 (c) Make the records publicly available.

23 (3) The department shall post the records required under subsection (1) of this section
24 on a department website.

25 (4) In consultation with scientific experts, representatives of the aquaculture industry
26 and advocates of the environment and animal welfare, the department shall adopt rules to
27 implement this section.

28 **SECTION 7.** (1) The Aquatic Animals Fund is established in the State Treasury, separate
29 and distinct from the General Fund. All moneys in the Aquatic Animals Fund are contin-
30 uously appropriated to the State Department of Fish and Wildlife for:

31 (a) Carrying out the provisions of sections 2 to 8 of this 2025 Act;

32 (b) Actions and activities benefiting aquatic animals, including conducting education re-
33 garding the humane treatment of aquatic animals; and

34 (c) Making grants available to aquaculture facilities seeking to transition to more hu-
35 mane methods of operation, or to aquaculture related to aquatic plants instead of aquatic
36 animals.

37 (2) The fund shall consist of any moneys:

38 (a) Transferred to the fund by the Legislative Assembly or from any other source; and

39 (b) Received under ORS 616.997 (7).

40 (3) Interest earnings on moneys in the fund shall be credited to the fund.

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42 **ENFORCEMENT**

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44 **SECTION 8.** (1) The Attorney General, a state agency, a county attorney, a district at-
45 torney, a city attorney or a person residing or doing business in the county where an

1 aquaculture facility is located may apply to the circuit court for the county in which the
2 aquaculture facility is located for a temporary or permanent injunction requiring the
3 aquaculture facility to:

4 (a) Refrain from any activity or inactivity constituting a violation of sections 2 to 8 of
5 this 2025 Act or another applicable law; and

6 (b) Take any actions necessary to remedy the violation.

7 (2) The circuit court may award reasonable attorney fees to a plaintiff prevailing under
8 this section.

9 **SECTION 9.** On or before January 1, 2027, the State Department of Fish and Wildlife shall
10 adopt rules as needed to implement sections 2 to 8 of this 2025 Act.

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12 **CAPTIONS**

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14 **SECTION 10.** The unit captions used in this 2025 Act are provided for the convenience
15 of the reader and do not become part of the statutory law of this state or express any leg-
16 islative intent in the enactment of this 2025 Act.

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18 **OPERATIVE DATE**

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20 **SECTION 11.** (1) Sections 2 to 8 of this 2025 Act become operative on January 1, 2027.

21 (2) Notwithstanding subsection (1) of this section, the Department of Environmental
22 Quality and the State Department of Fish and Wildlife may take any actions, on or after the
23 effective date of this 2025 Act, that are necessary to prepare for the implementation of
24 sections 2 to 8 of this 2025 Act.
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