

# Senate Bill 542

Sponsored by Senator SOLLMAN (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 makes findings related to gluten. The Act requires foods with gluten to have labels. The Act says when a food can be labeled as gluten free. (Flesch Readability Score: 85.5).

Makes certain findings related to gluten.

Requires a food product that contains gluten or an ingredient from a gluten-containing grain to bear certain labeling. Prohibits a food product from being labeled as gluten free unless certain criteria are met.

Authorizes the imposition of civil penalties for a violation.

## A BILL FOR AN ACT

1  
2 Relating to gluten; creating new provisions; and amending ORS 616.997.

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

4 **SECTION 1. The Legislative Assembly finds and declares that:**

5 (1) **Celiac disease is a potentially life-threatening and life-debilitating food allergy,**  
6 **autoimmune disease and digestive disease triggered by eating gluten.**

7 (2) **Persons living with celiac disease, non-celiac gluten sensitivity and other related food**  
8 **allergies are subject to gluten-induced sicknesses, which may:**

9 (a) **Involve myriad symptoms, including vomiting, diarrhea, cramping, joint pain, fatigue**  
10 **and brain fog.**

11 (b) **Result in damage to the intestinal lining, malnutrition, permanent immunological**  
12 **scarring, iron deficiency anemia, diarrhea, vomiting, migraines, osteoporosis, additional**  
13 **autoimmune diseases, heart disease, intestinal cancers and potentially life-threatening**  
14 **anaphylaxis.**

15 (3) **The labeling of gluten-containing grains is a key component to improving the health**  
16 **and safety of Oregonians who live with celiac disease, non-celiac gluten sensitivity and other**  
17 **related food allergies.**

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

19 (a) **"Gluten" means the proteins that:**

20 (A) **Naturally occur in gluten-containing grain; and**

21 (B) **Cause adverse health effects in persons who have celiac disease or certain food sen-**  
22 **sitivities or intolerances.**

23 (b) **"Gluten-containing grain" means any of the following or a hybrid of any of the fol-**  
24 **lowing:**

25 (A) **Wheat, including any species belonging to the genus *Triticum*.**

26 (B) **Rye, including any species belonging to the genus *Secale*.**

27 (C) **Barley, including any species belonging to the genus *Hordeum*.**

28 (D) **Oat, including any species belonging to the genus *Avena*.**

**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       **(2) In addition to other federal and state labeling requirements, notwithstanding any**  
 2 **contrary provision of the laws of this state and to the extent consistent with federal laws**  
 3 **and rules, a food product manufactured, sold or distributed in this state:**

4       **(a) That contains an ingredient derived from a gluten-containing grain or 20 parts per**  
 5 **million or more of gluten must bear labeling stating that:**

6           **(A) The food product contains gluten; and**

7           **(B) Food products containing gluten may cause adverse health effects in individuals with**  
 8 **celiac disease or certain food sensitivities or intolerances.**

9       **(b) May not bear labeling stating that the food product is gluten free unless:**

10       **(A) The food product does not contain gluten or an ingredient derived from a gluten-**  
 11 **containing grain;**

12       **(B) The food product contains less than 20 parts per million of gluten; or**

13       **(C) All ingredients in the food product have been processed to remove gluten in excess**  
 14 **of 20 parts per million.**

15       **SECTION 3.** ORS 616.997 is amended to read:

16       616.997. (1) In addition to any penalty available under ORS 561.190, 616.992 or 616.994, the State  
 17 Department of Agriculture may impose a civil penalty for a violation of this chapter, of rules, reg-  
 18 ulations or standards adopted under this chapter [or], of an order issued under ORS 616.713 **or of**  
 19 **section 2 of this 2025 Act.** For the purposes of this section, each day a violation continues after  
 20 the period of time established for compliance shall be considered a separate violation unless the  
 21 department finds that a different period of time is more appropriate to describe a specific violation  
 22 event.

23       (2) The department may adopt rules establishing a schedule of civil penalties that may be im-  
 24 posed under this section. Civil penalties imposed under this section may not exceed \$10,000 for each  
 25 violation.

26       (3) When the department imposes a civil penalty under subsection (1) of this section, the de-  
 27 partment shall impose the penalty in the manner provided by ORS 183.745, except that the written  
 28 application for a hearing must be received by the department no later than 10 days after the date  
 29 of mailing or personal service of the notice of civil penalty.

30       (4) Moneys received by the department from civil penalties imposed under this section shall be  
 31 deposited in the General Fund to the credit of the Department of Agriculture Account.

32