

Senate Bill 832

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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 changes fines related to animals. The Act adds fines related to animals. (Flesch Readability Score: 60.7).

Makes certain changes related to civil penalties for violations related to disease control.

Authorizes the imposition of civil penalties for violations related to swine.

Authorizes the imposition of civil penalties for violations related to commercial animal feeds.

A BILL FOR AN ACT

1
2 Relating to civil penalties for laws implemented by the State Department of Agriculture; creating
3 new provisions; and amending ORS 596.995.

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

5 **SECTION 1.** ORS 596.995 is amended to read:

6 596.995. (1) Any manufacturer of an animal remedy, veterinary biologic or pharmaceutical who
7 violates any provision of ORS 596.100 or 596.105 applicable to manufacturers or any rule adopted
8 pursuant thereto or the terms or conditions of any license, registration or order issued by the State
9 Department of Agriculture under ORS 596.100 or 596.105 shall be subject to a civil penalty not to
10 exceed \$2,500 per violation.

11 **(2) Any person that violates any provision of ORS 596.075, 596.321, 596.331 (1), 596.351,**
12 **596.388, 596.392 (1) to (3) or (6), 596.404 to 596.416 or 596.460, any rule adopted pursuant**
13 **thereto or the terms or conditions of any order of the department issued pursuant thereto**
14 **shall be subject to a civil penalty not to exceed \$1,000 per violation.**

15 **(3) Any person that violates any provision of ORS 596.331 (2), 596.355, 596.392 (4) or (5)**
16 **or 596.394 to 596.402, any rule adopted pursuant thereto or the terms or conditions of any**
17 **order issued pursuant thereto shall be subject to a civil penalty not to exceed \$5,000 per vi-**
18 **olation.**

19 (4) Civil penalties under this section are in addition to any other penalty provided by law.

20 [(2)] (5) Each violation **described in this section** may be a separate and distinct offense, and,
21 in the case of a continuing violation, each day's continuance thereof may be deemed a separate and
22 distinct offense.

23 [(3)] (6) The department shall adopt a schedule or schedules establishing the amount of civil
24 penalty that may be imposed for a particular violation.

25 [(4)] (7) Civil penalties under this section shall be imposed in the manner provided in ORS
26 183.745.

27 **(8) The State Treasurer shall deposit all moneys from penalties recovered under this**
28 **section into the Department of Agriculture Service Fund established by ORS 561.144. Moneys**

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 deposited under this subsection are continuously appropriated to the department for carrying
2 out the administration and enforcement of the laws, rules or orders under which the penal-
3 ties are assessed.

4 **SECTION 2.** (1) Any person that violates any provision of ORS 600.095 or a quarantine
5 imposed under ORS 600.105, any rule adopted pursuant thereto or the terms or conditions
6 of any order issued pursuant thereto shall be subject to a civil penalty not to exceed \$5,000
7 per violation.

8 (2) Civil penalties under this section are in addition to any other penalty provided by law.

9 (3) Each violation described in this section may be a separate and distinct offense, and,
10 in the case of a continuing violation, each day's continuance thereof may be deemed a sepa-
11 rate and distinct offense.

12 (4) The State Department of Agriculture shall adopt a schedule or schedules establishing
13 the amount of civil penalty that may be imposed for a particular violation.

14 (5) Civil penalties under this section shall be imposed in the manner provided in ORS
15 183.745.

16 (6) The State Treasurer shall deposit all moneys from penalties recovered under this
17 section into the Department of Agriculture Service Fund established by ORS 561.144. Moneys
18 deposited under this subsection are continuously appropriated to the department for carrying
19 out the administration and enforcement of the laws, rules or orders under which the penal-
20 ties are assessed.

21 **SECTION 3.** (1) Any person that violates any provision of ORS 633.006 to 633.089, any rule
22 adopted pursuant thereto or the terms or conditions of any order issued pursuant thereto
23 shall be subject to a civil penalty not to exceed \$10,000 per violation.

24 (2) Civil penalties under this section are in addition to any other penalty provided by law.

25 (3) Each violation described in this section may be a separate and distinct offense, and,
26 in the case of a continuing violation, each day's continuance thereof may be deemed a sepa-
27 rate and distinct offense.

28 (4) The State Department of Agriculture shall adopt a schedule or schedules establishing
29 the amount of civil penalty that may be imposed for a particular violation.

30 (5) Civil penalties under this section shall be imposed in the manner provided in ORS
31 183.745.

32 (6) The State Treasurer shall deposit all moneys from penalties recovered under this
33 section into the Department of Agriculture Service Fund established by ORS 561.144. Moneys
34 deposited under this subsection are continuously appropriated to the department for carrying
35 out the administration and enforcement of the laws, rules or orders under which the penal-
36 ties are assessed.

37 (7) If a civil penalty under this section remains unpaid after the date it becomes due and
38 owing as specified in the final order imposing the civil penalty, in accordance with ORS
39 chapter 183 contested case procedures and until the civil penalty is paid in full, the depart-
40 ment may:

41 (a) Notwithstanding ORS 633.015 (1), suspend, revoke or refuse to issue or renew a cer-
42 tificate of registration, under ORS 633.015, to or for the person to whom the final order is
43 issued;

44 (b) Notwithstanding ORS 633.029 (1)(a), suspend, revoke or refuse to issue or renew a li-
45 cense, under ORS 633.029, to or for the person to whom the final order is issued; and

1 **(c) Withhold from the person to whom the final order is issued the issuance or renewal**
2 **of a license or certificate of registration under any other program administered by the de-**
3 **partment.**

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