

## Oregon State Laws Affected by H.R. 4879

- I. Food
  - a. Food Safety
    - i. Date Label Laws
      - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
      - 2. Or. Rev. Stat. Ann. § 616.815
      - 3. Or. Admin. R. 603-025-0080
    - ii. Alteration of Dating Labels
      - 1. These regulations prohibit manufacturers from altering “sell-by” labels in certain ways. They are intended to protect transparency and the integrity of the label.
      - 2. Or. Rev. Stat. Ann. § 616.830
    - iii. Damaged Foods
      - 1. These laws prohibit the sale or consumption of foods damaged by floods by deeming them “adulterated” or “misbranded” under the state’s food safety code.
      - 2. Or. Rev. Stat. Ann. § 616.250
    - iv. Sale of Expired Foods
      - 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
      - 2. Or. Rev. Stat. Ann. § 616.825
  - b. Meat
    - i. Date Labeling and Sale of Expired
      - 1. These laws either provide specific date labeling requirements or restrict the sale of meat to customers past the expiration date provided.
      - 2. Or. Admin. R. 603-025-0080
  - c. Poultry
    - i. Date Labels
      - 1. These regulations require the use of pull dates or “sell-by” date labeling on poultry products.
      - 2. Or. Admin. R. 603-025-0080
  - d. Dairy
    - i. Date Labels
      - 1. These laws require milk or other dairy products be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
      - 2. Or. Admin. R. 603-025-0080
  - e. Eggs
    - i. Date Labels

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1. These laws require egg containers to be marked with a "sell-by" label to indicate the date by which the product should be sold to consumers
  2. Or. Admin. R. 603-025-0080
- f. Fish
- i. Date Labels
    1. These regulations impose date labeling requirements on fish products sold to consumers.
    2. Or. Admin. R. 603-025-0080
- g. Ginseng
- i. Import Certification Requirements
    1. These laws require that ginseng imported from out of state be accompanied by documentation from the state where it was harvested. These laws are intended to prevent trafficking in illegally obtained or poached wild ginseng.
    2. OAR 603-060-0040
- h. Oleomargarine ("Margarine")
- i. Labeling
    1. Federal regulations prohibit the labeling of oleomargarine ("margarine") as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.
    2. OAC Ch. 901:6-7
- i. Prepackaged Foods
- i. Date Labels
    1. These regulations impose date labeling requirements on foods or drinks that have been pre-packaged prior to sale.
    2. Or. Rev. Stat. Ann. § 616.815
    3. Or. Rev. Stat. Ann. § 616.825
    4. Or. Rev. Stat. Ann. § 616.830
    5. Or. Admin. R. 603-025-0080
  - ii. Sandwiches
    1. These regulations impose date labeling requirements on sandwiches prior to sale.
    2. Or. Admin. R. 603-025-0080
  - iii. Bakery Products
    1. These regulations impose date labeling requirements on bakery products prior to sale.
    2. Or. Admin. R. 603-025-0080
  - iv. Puddings
    1. These regulations impose date labeling requirements on pudding products prior to sale.

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2. Or. Admin. R. 603-025-0080
- II. Alcohol
    - a. None
  - III. Drugs
    - a. Tobacco
      - i. Minimum Age Requirements
        1. These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.
        2. O.R.S. § 167.755
        3. O.R.S. § 167.76
        4. O.R.S. § 323.703
        5. O.R.S. § 323.709
      - ii. Fire Safety Standards
        1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
        2. Or. Rev. Stat. Ann. § 476.780
        3. Or. Rev. Stat. Ann. § 476.785
  - IV. Fishing
    - a. Ocean Fishing: Commercial and Sport Fishing
      - i. Beyond State Waters
        1. These laws not only regulate fishing activities within a state's territorial waters (which generally extend three nautical miles from shore), but also fishing that takes place in certain areas of the ocean beyond that zone. These statutes impose licensing or other regulatory requirements on individuals fishing beyond the state waters.
        2. Or. Admin. R. 635-005-0235
        3. Or. Rev. Stat. Ann. § 506.755
      - ii. License or Permit Requirements
        1. These laws require anyone who lands commercial fish within the state to be licensed, obtain a landing permit, or in some other way be regulated. These regulations require permits or impose other regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.
        2. Or. Admin. R. 635-006-0140
        3. Or. Admin. R. 635-004-0245
        4. Or. Rev. Stat. Ann. § 508.030
        5. Or. Rev. Stat. Ann. § 508.025
        6. Or. Rev. Stat. Ann. § 488.762

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- iii. Equipment Requirements, Harvest Techniques, and Prohibitions
  1. These laws impose equipment requirements or prescribe special harvesting techniques for out-of-state fishing operations that bring their catch to shore in the state. They are intended to prohibit the use of unsporting or environmentally damaging fishing practices and ensure a safe and sustainable harvest.
  2. Or. Admin. R. 635-005-0275
  3. Or. Admin. R. 635-005-0630
  4. Or. Admin. R. 635-006-0010
  5. Or. Rev. Stat. Ann. § 509.230
  6. Or. Rev. Stat. Ann. § 509.365
  7. Or. Rev. Stat. Ann. § 509.375
  8. Or. Rev. Stat. Ann. § 509.370
- iv. Harvest and Size Limits
  1. These laws impose harvest or size limits on fishing catches first landed in the state. Typically these regulations limit the amount or type of fish that can be harvested and may set minimum or maximum size limitations for certain species. They are intended to support sustainable catch limits and protect local populations from overfishing.
  2. Or. Rev. Stat. Ann. § 509.515
- V. Wood and Lumber
  - a. Firewood
    - i. Import Restrictions
      1. These laws impose conditions, bans, or restrictions on the importation of firewood into the state given that untreated firewood has been known to carry invasive pests or disease. They are intended to limit the spread of injurious materials and to protect the local ecosystem.
      2. OAR 603-052-1080
    - b. Christmas Trees
      - i. Import Requirements
        1. These laws place requirements on the importation of Christmas trees. Some impose labeling, certification, or other requirements to ensure that imported trees do not bring with them unwanted pests or disease.
        2. O.R.S. § 571.570
- VI. Home Goods and Products
  - a. Children's Products and Upholstery
    - i. Brominated Flame Retardants
      1. These laws restrict the use or impose requirements on the use of brominated flame retardants and other flame-retardant chemicals in children's products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers

from their potentially toxic or carcinogenic effects, to which young children are particularly susceptible. Frequently, these laws set maximum allowable levels of brominated flame retardants that may appear in items offered for sale. They could be preempted to the extent that these chemicals are applied to agricultural products, which may include furniture, changing pads, and bedding.

2. ORS 453.005-135

VII. Live Animal Imports

a. Aquaculture

i. Infectious Salmon Anemia

1. Infectious salmon anemia (ISA) is a viral disease of Atlantic salmon that affects fish farms, causing severe losses to infected farms. Federal regulations apply only to Maine producers (see 9 C.F.R. § 53.1), but other states have implemented additional laws that prohibit the importation of fish exposed to the disease or otherwise restrict the movement of particular fish.

2. OAR 635-007-0975

3. OAR 635-007-0970

b. Birds

i. Avian Influenza and Newcastle Disease

1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.

2. OAR 603-011-0375

3. OAR 333-018-0015

4. OAR 603-011-0212

c. Cattle and Bison

i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.

2. OAR 603-011-0255

3. OAR 603-011-0212
  - ii. Brucellosis
    1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
    2. OAR 603-011-0510
  - iii. Bovine Tuberculosis
    1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
    2. OAR 603-011-0212
    3. OAR 603-011-0265
  - iv. Rabies
    1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.
    2. OAR 603-011-0255
    3. OAR 603-011-0212
- d. Cervids
  - i. Chronic Wasting Disease (“CWD”): Restrictions
    1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.
    2. OAR 603-011-0382

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- e. Bees
  - i. Bee Quarantines
    - 1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.
    - 2. O.R.S. § 561.510
    - 3. O.R.S. § 561.540
    - 4. O.R.S. § 561.560
- f. Horses
  - i. Equine Infectious Anemia
    - 1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
    - 2. OAR 603-011-0305
- g. Sheep and Goats
  - i. Scrapie
    - 1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.
    - 2. OAR 603-011-0392
- h. Swine
  - i. Pseudorabies
    - 1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.
    - 2. OAR 603-011-0310
  - ii. Swine Vesicular Disease
    - 1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict

- the importation of pigs to prevent the spread of swine vesicular disease.
        - 2. OAR 603-011-0255
        - 3. OAR 603-011-0310
        - 4. OAR 603-011-0212
      - i. Exotic Meats
        - i. Bison
          - 1. These regulations require that bison imported into the state be accompanied by a permit or veterinarian certification. They are intended to prevent the spread of zoonotic and infectious diseases, some of which may be transmissible to other species.
          - 2. OAR 603-011-0256
- VIII. Companion Animals
  - a. Dogs and Cats
    - i. Lemon Laws
      - 1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.
      - 2. O.R.S. § 646A.075(2)
    - ii. Veterinary Inspection Requirements
      - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
      - 2. OAR 603-011-0255
- IX. Products for Animals
  - a. Pet Food
    - i. Requirements of Manufacturers
      - 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
      - 2. Or. Rev. Stat. Ann. § 633.015
      - 3. Or. Rev. Stat. Ann. § 633.029
  - b. Prohibited Foods
    - i. Feed Garbage to Swine
      - 1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to



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owner's own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.

2. OAR 603-011-0310
- X. Dead Animals and Animal Parts
  - a. Shark Fins
    - i. Possession or Sale
      1. These laws prohibit the sale of shark fins for human consumption or the possession of a detached shark fin within the state. (It should be noted that sharks are a class of fish and, as a result, are likely to be considered an agricultural product within the meaning of PICA).
      2. O.R.S. § 498.257
  - XI. Invasive Pests, Plants, and Disease
    - a. Ash Trees
      - i. Emerald Ash Borer
        1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.
        2. OAR 603-052-1080
      - b. Grapes
        - i. Pierce's Disease and the Glassy-Winged Sharpshooter
          1. These laws impose restrictions on plants that may be carrying the glassy-winged sharpshooter, the insect responsible for Pierce's disease. They are intended to protect local grape crops and the wine industry by preventing the movement of untreated or high-risk shipments of grapes or other carriers.
          2. OAR 603-052-1221
    - XII. Procurement
      - a. Agricultural Goods
        1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
        2. O.R.S. § 279A.125
        3. O.R.S. § 279A.120
    - XIII. General Prohibitions
      - a. None
    - XIV. Miscellaneous
      - a. None