

# House Bill 3122

Sponsored by Representative HOLVEY; Representative BUCKLEY

## 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**.

Prohibits farming, cultivation, incubation or inducement to spawn in this state of Atlantic salmon or genetically engineered fish that may come into contact with or spread contagious diseases to native anadromous fish. Provides exceptions.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to fish; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 498.**

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

6 (a) **“Genetically engineered” means having a genetic structure that has been altered at**  
7 **the molecular or cellular level through recombinant DNA or RNA techniques or the intro-**  
8 **duction of exogenous genetic material that becomes incorporated into the genome of the**  
9 **organism.**

10 (b) **“Recombinant DNA or RNA techniques” means processes in which segments of**  
11 **deoxyribonucleic acid or ribonucleic acid from different organisms are joined together to**  
12 **create recombinant DNA or RNA molecules that have the capacity to replicate in a host cell,**  
13 **either autonomously or as an integrated part of the host genome.**

14 (2)(a) **A person may not farm, cultivate, incubate or induce to spawn in this state any**  
15 **Atlantic salmon or genetically engineered fish that may come into contact with native**  
16 **anadromous fish or that may spread to native anadromous fish any contagious disease.**

17 (b) **The State Fish and Wildlife Commission shall ensure that any person with a license**  
18 **issued under ORS 497.252, or a permit issued under ORS 508.700 to 508.745, complies with the**  
19 **provisions of paragraph (a) of this subsection.**

20 (3) **This section does not apply to:**

21 (a) **Atlantic salmon or genetically engineered fish that are no longer living and that are**  
22 **imported into, or transported within, this state for human consumption.**

23 (b) **Atlantic salmon or genetically engineered fish that are no longer living and that are**  
24 **imported into, or transported within, this state and contained within:**

25 (A) **Dog food;**

26 (B) **Cat food;**

27 (C) **Any fertilizer; or**

28 (D) **Any consumer product other than those described in paragraph (a) of this subsection.**

29 (c) **Triploid fish.**

30 (d) **Hybrid fish.**

**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 (e) Shellfish.

2 (f) Live fish that are for aquaria use.

3 (g) Atlantic salmon or genetically engineered fish to be used for, or that are used for,  
4 scientific research in an aquarium or other similar closed water system. Atlantic salmon or  
5 genetically engineered fish described in this paragraph may not be disposed of in any body  
6 of water in this state. The commission by rule shall adopt requirements for the disposal of  
7 Atlantic salmon or genetically engineered fish described in this paragraph, specifying disposal  
8 procedures that may be verified by the State Department of Fish and Wildlife.

9 (4) The provisions of this section do not affect the use of vaccines necessary for fish  
10 health management.

11 **SECTION 3.** (1) Except as provided in subsection (2) of this section, sections 1 to 2 of this  
12 2015 Act become operative on January 1, 2016.

13 (2) The State Fish and Wildlife Commission may adopt rules or take any other action  
14 before the operative date specified in subsection (1) of this section that is necessary to im-  
15 plement, on or after the operative date specified in subsection (1) of this section, sections 1  
16 to 2 of this 2015 Act.

17 **SECTION 4.** The provisions of section 2 of this 2015 Act:

18 (1) Do not apply to Atlantic salmon, or spawn thereof, that are present in this state be-  
19 fore or on the effective date of this 2015 Act.

20 (2) Apply to licenses issued, or renewed, under ORS 497.252 on or after the effective date  
21 of this 2015 Act.

22 (3) Apply to permits issued, or renewed, under ORS 508.700 to 508.745 on or after the ef-  
23 fective date of this 2015 Act.

24 **SECTION 5.** This 2015 Act being necessary for the immediate preservation of the public  
25 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
26 on its passage.