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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603
DEPARTMENT OF AGRICULTURE

FILED

03/21/2025 11:58 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends Oregon Poultry Slaughter Exemption to include Rabbit

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/30/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

This rule proposal updates Oregon Administrative Rules (OAR) in response to passage of HB 2689 in 2023 general legislative session. HB 2689 directly amends ORS 603.028 by creating both off-farm and on-farm direct sale of exempt rabbit products. The licensing exemption is for a person slaughtering not more than 1,000 rabbits for use as human food. While these rules were initially filed as proposed in 2024, they were not finalized and made permanent. ODA is now addressing this oversight to ensure the rules are properly adopted.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB 2689 (2023), ORS 561, 616, 619 & 603, and OAR 603 Divisions 25 & 28, all available through interaction with the Oregon.gov website.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed adoption of the rule and related documents is not expected to significantly impact racial and ethnic communities historically marginalized or oppressed. While there may be minimal impact to the rabbit industry, any potential harm to individuals within these communities due to added compliance requirements and associated costs is expected to also be minimal.

FISCAL AND ECONOMIC IMPACT:

The proposed rule is anticipated to have a net positive economic impact on small-scale rabbit producers and consumers while imposing minimal costs.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the

expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s):

No cost impact to public or industry.

(2) Effect on small businesses: (a) estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(a)

The Department estimates that the cost of professional service, equipment, supplies, labor and increased administration to comply with the rule will be minimal.

(b)

Costs of reporting, recordkeeping and administrative activities to comply with the rule should be also minimal and there are no substantially burdensome requirements within the amended rule.

(c)

Cost of professional services, equipment supplies, and labor should remain the same because there are no substantially burdensome requirements within the new rule. Administration required to comply with the new rule is minimal because industry since there are no substantially burdensome requirements.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were associated with the Rule Advisory Committee and the legislative process that triggered rule amendments.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

603-028-0710, 603-028-0715, 603-028-0720, 603-028-0722, 603-028-0725, 603-028-0730, 603-028-0732, 603-028-0735, 603-028-0740

AMEND: 603-028-0710

RULE SUMMARY: Updates definitions for all exempt establishments

CHANGES TO RULE:

603-028-0710

Definitions ¶¶

In addition to the definitions in ORS Chapter 616 and, OAR ~~603-025-0010~~ Chapter 603, Divisions 25 and 28, unless otherwise required by the context, the following terms will be construed, respectively, to mean:¶¶

(1) "Approved" means acceptable to the Department based on the determination of conformity with principles, practices, and generally recognized standards that protect public health.¶¶

(2) "Department" means the Oregon Department of Agriculture.¶¶

(3) "Domesticated" means born and raised in captivity so as to live and breed in a tame condition.¶¶

(4) "Off-Farm Direct Sale" means sold and delivered to the end-user of the rabbit or poultry product by the poultry producer ~~rabbit or poultry business from a location other than the rabbit or poultry establishment.~~¶¶

(5) "On-Farm Direct Sale" means sold and delivered to the end-user of the rabbit or poultry product at the poultry business.¶¶

(6) ~~"Open date" means a date clearly visible to retail consumers showing the pull date or packing date~~ rabbit or

poultry establishment.¶¶

~~(76) "Poultry," for the purposes of this section, means:¶¶~~

(a) Domesticated species of birds subject to mandatory or voluntary inspection by the Department or the United States Department of Agriculture that are commonly used as a food source; including: chickens, turkeys, ducks, geese, or guinea fowl, whether live or dead.¶¶

(b) Poultry does not include ratites, endangered or protected species, wild game birds, non-game wild birds, or pet birds, whether live or dead.¶¶

~~(87) "Poultry business" means the land and improvements within the contiguous property boundary where the slaughter of the poultry being sold has occurred owner and employees of the establishment.¶¶~~

~~(98) "Poultry product" means a whole poultry carcass or part thereof, which is processed for use as human food to the extent that feathers and offal are removed and may include the re-addition of the poultry's gizzards or giblets.¶¶~~

~~(10) "Slaughtering Facility" means an area where the~~9) "Rabbit" means a live or dead member of a species in the Leporidae family that is domesticated and subject to voluntary inspection by the Department or the United States Department of Agriculture that are commonly used as a food source.¶¶

~~(10) "Rabbit business" means the owner and employees of the establishment.¶¶~~

~~(11) "Rabbit product" means a whole rabbit carcass which is processed for use as human food to the extent that hide and offal are removed.¶¶~~

~~(12) "Slaughtering Facility" means the portion of the establishment where the rabbit or poultry slaughter, processing, or packaging takes place.~~

Statutory/Other Authority: ORS 561.020, 619.046, ~~(HB 2872 enrolled)~~603.038

Statutes/Other Implemented: ORS 603.085, 619.046

AMEND: 603-028-0715

RULE SUMMARY: Updates exemption scope

CHANGES TO RULE:

603-028-0715

~~Intent~~ Licensing Exemptions ¶

~~(1) It is the intent of the Department's Food Safety Division to promote and enable the Oregon State Legislature's directive to encourage Oregon-grown poultry production for consumption in the state of Oregon by Oregonians.¶~~

~~(2) Therefore, the Department promulgates two poultry slaughter exemptions. Poultry businesses may qualify for either both the Off-Farm Direct Sale Exemption or and the On-Farm Direct Sale Exemption. A person claiming both under OAR 603-028-710 to OAR 603-028-0740. A poultry business claiming both the Poultry On-Farm and Off-Farm poultry exemptions within a calendar year shall not slaughter more than 1,000 poultry in that calendar year. A poultry.¶~~

~~(2) Rabbit business that may qualify for either exemption shall comply with OAR 603-028-0740.¶~~

~~(3) A poultry business that sells poultry from the poultry business, at farmers' markets, or through other dthe Off-Farm Direct sSales involving off-farm delivery to customers should refer to Exemption or the Off-Farm Direct Sale and sanitation requirements found in Exemption under OAR 603-028-0720 and 710 to OAR 603-028-0725.¶~~

~~(4) A poultry business that sells poultry only from the poultry business should refer to the On-Farm Direct Sale Exemption and sanitation requirements found in OAR 603-028-0730 and 603-028-073540. A rabbit business claiming both the On-Farm and Off-Farm exemptions within a calendar year shall not slaughter more than 1,000 rabbits in that calendar year.~~

Statutory/Other Authority: ORS 561.020, 561.190, 619.046, ~~(HB 2872 enrolled)~~ 603.038

Statutes/Other Implemented: ORS 561.020, ORS 603.085, 619.046

AMEND: 603-028-0720

RULE SUMMARY: Corrections to Off-farm poultry exemption verbiage for clarification

CHANGES TO RULE:

603-028-0720

Off-Farm Direct Sale Poultry Exemption ¶

(1) A person~~person~~poultry business is not required to obtain a license under ORS 603.025-~~or, ORS 616.706, and OAR 603-028-0100~~ for activities directly related to poultry, poultry products, and shell eggs, if:¶

(a) During a calendar year, the person~~person~~poultry business slaughters a total of 1,000 or fewer poultry of all poultry species combined; ~~and~~¶

(b) The person~~person~~poultry business performing the slaughter raised the poultry since the poultry was two weeks of age or younger; ~~and~~¶

(c) The poultry are free from disease; ~~and~~¶

(d) The poultry products are for use as human food; ~~and~~¶

(e) The person~~person~~poultry business maintains sanitary records under OAR 603-028-0740; ~~and~~¶

(f) The person~~person~~poultry business slaughters the poultry at ~~the person's slaughter facility~~ an establishment meeting the sanitary requirements of OAR 603-028-0725 and does not allow other persons to use the ~~slaughter facility~~ establishment; ~~and~~¶

(g) The poultry products are sold via off-farm direct sale or an on-farm direct sale.¶

(2) Poultry products may not be adulterated or misbranded in accordance with ORS 616.205 to 616.385.¶

(3) ~~Person~~Poultry businesses claiming the exemption under this section may slaughter and process only their own poultry and sell the shell eggs of such poultry.¶

~~(a4) Poultry must be sold as a whole carcass; and~~¶

~~(b) Shell eggs will~~ Shell eggs and poultry products must be labeled with the open date in accordance with ORS 616.800 to 616.835 ~~(Open Date Labeling)~~.¶

~~(45)~~ Poultry ~~and poultry~~ products may not enter into interstate commerce and ~~wi~~shall be labeled with legible typed lettering a minimum of 0.25 inches in height "THIS PRODUCT MAY NOT LEAVE THE STATE OF OREGON".¶

~~(56) The licensing exemptions contained in this section apply only to activities directly related to poultry and poultry products. Activities relating to food other than poultry or poultry product~~ products or shell eggs remain subject to licensing by the Department.

Statutory/Other Authority: ORS 561.190, 616

Statutes/Other Implemented: ORS 616.835, ~~(HB 2872 enrolled)~~ 603.038

ADOPT: 603-028-0722

RULE SUMMARY: Creates off-farm direct sale of exempt rabbit product regulatory scope

CHANGES TO RULE:

603-028-0722

Off-Farm Direct Sale Rabbit Exemption

(1) A rabbit business is not required to obtain a license for activities directly related to rabbit and rabbit products under ORS 603.025, 616.706, or 603-028-0100, if:

(a) During a calendar year, the rabbit business slaughters a total of 1,000 or fewer rabbits;

(b) The rabbit business performing the slaughter raised the rabbits since the rabbit was two weeks of age or younger;

(c) The rabbits are free from disease;

(d) The rabbit products are for use as human food;

(e) The rabbit business maintains sanitary records under OAR 603-028-0740;

(f) The rabbit business slaughters the rabbit at an establishment meeting the sanitary requirements of OAR 603-028-0725 and does not allow other persons to use the establishment; and

(g) The rabbit products are sold exclusively via off-farm direct sale or an on-farm direct sale.

(2) Rabbit products may not be adulterated or misbranded in accordance with ORS 616.205 to 616.385.

(3) Rabbit businesses claiming the exemption under this section must slaughter and process their own rabbit.

(4) Rabbit products must be labeled with:

(a) An open date in accordance with ORS 616.800 to 616.835; and

(b) Legible typed lettering a minimum of 0.25 inches in height "PROCESSED UNDER THE OREGON RABBIT EXEMPTION".

(5) Activities relating to food other than rabbit products remain subject to licensing by the Department.

Statutory/Other Authority: ORS 561

Statutes/Other Implemented: ORS 603.038

AMEND: 603-028-0725

RULE SUMMARY: Adds language regarding inclusion of rabbit to off farm sanitary requirements.

CHANGES TO RULE:

603-028-0725

Sanitation Standards II

A ~~person~~poultry or rabbit business claiming the exemption of OAR 603-028-0720 ~~or OAR 603-028-0722~~ must slaughter the poultry ~~in slaughtering facilities~~and rabbits and conduct activities in accordance with ORS 619.026 and OAR 603-028-0100 ~~in the premises of the person's~~establishment of the rabbit or poultry business.

Statutory/Other Authority: ORS 561, 616, 619

Statutes/Other Implemented: ORS 603.085, 619.046, ~~(HB 2872-enrolled)~~603.038

AMEND: 603-028-0730

RULE SUMMARY: Corrections to On-farm poultry exemption verbiage for clarification.

CHANGES TO RULE:

603-028-0730

On-Farm Direct Sale Exemption ¶

(1) A person/poultry business engaged in on-farm direct sale is not required to obtain a license under ORS 603.025 or, 616.706, and OAR 603-028-0100, for activities directly related to poultry products if:¶

(a) During a calendar year, the person/poultry business slaughters a total of 1,000 or fewer poultry of all species combined; and¶

(b) The person/poultry business performing the slaughter raised the poultry since the poultry was two weeks of age or younger; and¶

(c) The poultry are free from disease; and¶

(d) The poultry products are for use as human food; and¶

(e) The person/poultry business maintains sanitary records in accordance with OAR 603-028-0740; and¶

(f) The person/poultry business slaughters the poultry at the person's slaughter facility/an establishment meeting the sanitary requirements of OAR 603-028-0735 and does not allow other persons to use the slaughter facility/establishment for any other purpose; and¶

(g) The poultry products are sold exclusively via on-farm sale.¶

(2) Poultry products may not be adulterated or misbranded in accordance with ORS 616.205 to 616.385.¶

(3) A person/poultry business claiming this exemption may not engage in buying or selling poultry products other than those produced from poultry raised on his or her own farm.¶

~~(a) Poultry must be sold as a whole carcass; and at the poultry business.¶~~

~~(b4) Shell eggs will and poultry products must~~ be labeled with the open date in accordance with ORS 616.800 to 616.835 ~~(Open Date Labeling)~~.¶

~~(45) Poultry and poultry products may not enter into interstate commerce and will~~ must be labeled with legible typed lettering a minimum of 0.25 inches in height "THIS PRODUCT MAY NOT LEAVE THE STATE OF OREGON".¶

~~(5) The licensing exemptions contained in this section apply only to activities directly related to poultry and poultry products.~~ 6) Activities relating to other than poultry or poultry products remain subject to licensing by the Department.

Statutory/Other Authority: ORS 561.020, 561.190, 616.835, 619.046

Statutes/Other Implemented: ORS 561.020, ~~603.085, 16.835, ORS 616.0835~~, 619.046

ADOPT: 603-028-0732

RULE SUMMARY: Creates on-farm direct sale of exempt rabbit product regulatory scope.

CHANGES TO RULE:

603-028-0732

On-Farm Direct Sale Rabbit Exemption

(1) A rabbit business engaged in on-farm direct sale is not required to obtain a license under ORS 603.025, 616.706, and OAR 603-028-0100, for activities directly related to rabbit and rabbit products if:

(a) During a calendar year, the rabbit business slaughters a total of 1,000 or fewer rabbit;

(b) The rabbit business performing the slaughter raised the rabbit since the rabbit was two weeks of age or younger;

(c) The rabbit are free from disease;

(d) The rabbit products are for use as human food;

(e) The rabbit business maintains sanitary records in accordance with OAR 603-028-0740;

(f) The rabbit business slaughters the rabbit at an establishment meeting the sanitary requirements of OAR 603-028-0735 and does not allow other persons to use the establishment for any other purpose; and

(g) The rabbit products are sold exclusively via on-farm sale.

(2) Rabbit products may not be adulterated or misbranded in accordance with ORS 616.205 to 616.385.

(3) A rabbit business claiming this exemption may not engage in buying or selling rabbit products other than those produced from rabbit raised at the rabbit business.

(4) Rabbit products must be labeled with:

(a) An open date in accordance with ORS 616.800 to 616.835; and

(b) Legible typed lettering a minimum of 0.25 inches in height "PROCESSED UNDER THE OREGON RABBIT EXEMPTION".

(5) Activities relating to other than rabbit or rabbit products remain subject to licensing by the Department.

Statutory/Other Authority: ORS 603.038

Statutes/Other Implemented: ORS 561.020, 603.085, 616.835, 619.046

AMEND: 603-028-0735

RULE SUMMARY: Adds language regarding inclusion of rabbit to on farm sanitary requirements.

CHANGES TO RULE:

603-028-0735

Sanitation Standards ¶

(1) ~~A person claiming the exemption of~~ rabbit or poultry business that meets the requirements in OAR 603-028-0730 or OAR 603-028-0730 ~~will~~ 2 shall be exempt from the requirements of ORS 619.026 and OAR 603-028-0100 if the ~~poultry~~ slaughter and processing are conducted on the ~~person's~~ rabbit or poultry business premises, under sanitary standards, practices, and procedures that produce rabbit or poultry products that are sound, clean, and fit for human food (not adulterated). ¶

(2) The slaughter facility must be reasonably protected from potential contaminants such as dust, mud, pests, and all other adulterants. ~~The protection can be as minimal as~~ A slaughter facility may be reasonably protected by a combination of tarps, canopies and floor mats.

Statutory/Other Authority: ORS 561.020, 561.190, 619.046

Statutes/Other Implemented: ORS 561.020, ~~603.085, 619.046~~ 19.046, ORS 603.085

AMEND: 603-028-0740

RULE SUMMARY: Adds language regarding inclusion of rabbit to exemption record requirements.

CHANGES TO RULE:

603-028-0740

Records and Enforcement ¶

(1) The ~~person~~rabbit or poultry business claiming a license exemption under OAR 603-028-0720 or 603-028-0730 ~~wishall~~ maintain clear and understandable records at the ~~poultry business~~ that: ¶

(a) Demonstrate the ~~person~~rabbit or poultry business raised the rabbit or poultry since ~~the poultry~~ was two weeks of age or younger; ¶

(b) Calculate the year-to-date cumulative total of each species and total quantity of rabbit or poultry slaughtered; ¶

(c) Contain the date of slaughter; ¶

(d) Contain sales information including the: ¶

(A) ~~Purchaser's name and address~~Location of sale; ¶

(B) Species and quantity of ~~poultry~~ sold; ¶

(C) Date of the ~~poultry's~~ slaughter and the date of sale; and ¶

~~(D) Address of the poultry business~~slaughter; and ¶

~~(D) Date of sale~~. ¶

(e) Demonstrate adequate sanitation measures as required, to include: ¶

(A) Daily establishment cleaning logs regarding ~~any and all slaughter dates~~; ¶

~~(B) Ware washing or processing dates~~; ¶

~~(B) Equipment~~ cleaning logs; ¶

(C) Lists of chemicals used in the sanitation of the ~~facility~~establishment; and ¶

(D) Other records as required ~~by the Department~~to demonstrate adequacy of sanitation measures taken to prevent adulteration. ¶

(2) Records shall be maintained for two calendar years following the last dated activity recorded and shall be made available to the Department upon request within 5 business days. ¶

(3) At the Department's discretion, the Department may conduct an unscheduled inspection of an ~~exempt poultry~~ slaughtering facility and its records. If deemed necessary for food safety, the Department may take regulatory action, which may include mandatory licensing. ¶

~~(4) A person claiming exemption from ORS 603.025 or 616.706 will not be an approved food source~~establishment and its records.

Statutory/Other Authority: ORS 561.190, 616.835, ~~(HB 2872 Enrolled)~~603.038

Statutes/Other Implemented: 603.038, ORS 603.085, ~~(HB 2872 Enrolled)~~