

# Enrolled House Bill 2193

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

CHAPTER .....

AN ACT

Relating to devices regulated by Department of Human Services; amending ORS 431.940, 453.757 and 453.761.

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

**SECTION 1.** ORS 431.940 is amended to read:

431.940. (1) The Department of Human Services shall adopt by rule standards and a system of registration for tanning devices. Any entity doing business in this state as a tanning facility shall register the tanning devices with the department in a manner prescribed by rule.

(2) The registration shall include payment of an annual registration fee [of], not to exceed **\$100** per tanning device[, \$76], prescribed by rule in an amount sufficient to cover the costs of administering the regulatory program.

(3) The department may conduct inspections of tanning facilities to [insure] **ensure** compliance with ORS 431.925 to 431.955.

**SECTION 2.** ORS 453.757 is amended to read:

453.757. (1) The Department of Human Services shall charge a biennial registration fee for a registration granted pursuant to ORS 453.752 in the following amounts for:

(a) Hospital, radiological, chiropractic, osteopathic or medical X-ray machine, [~~\$173~~] **\$228**.

(b) Hospital X-ray machine when X-ray machine inspection is performed by an accredited radiology inspector, [~~\$88~~] **\$116**.

(c) Industrial or podiatry X-ray machine, [~~\$115~~] **\$152**.

(d) Dental, academic or veterinary X-ray machine, [~~\$87~~] **\$112**.

(e) Microwave oven repair facility, [~~\$87~~] **\$112**.

(2) The Department of Human Services shall charge an annual license fee for a specific license granted pursuant to ORS 453.665 [which shall] **that may** not exceed \$3,000 as determined by rule of the Department of Human Services and approved by the Oregon Department of Administrative Services.

(3) The fees prescribed by the Department of Human Services pursuant to subsections (1)(e) and (2) of this section are due and payable [on or before July 1 of each year] **as prescribed by rule of the department**.

(4) The department shall impose a [~~\$200~~] **\$264** fee for accreditation as a radiology inspector and a biennial renewal fee of [~~\$200~~] **\$264**.

(5) All moneys received by the department under subsections (1)(e) and (2) of this section shall be paid into the State Treasury, deposited in the General Fund to the credit of the Public Health Account, and used exclusively by the department for the purposes of ORS 453.605 to 453.800.

**SECTION 3.** ORS 453.761 is amended to read:

453.761. (1) An X-ray machine registration for a hospital radiological provider shall be valid for *[one year]* **two years**, expiring in the *[following]* **second** year on the last day of the month of issuance.

(2) An X-ray machine registration for a chiropractic, osteopathic or medical doctor office or clinic shall be valid for two years, expiring in the second year on the last day of the month of issuance.

(3) An X-ray machine registration for a podiatry, dental or veterinary office or clinic or an academic or industrial facility shall be valid for *[three]* **two** years, expiring in the *[third]* **second** year on the last day of the month of issuance.

(4) Notwithstanding subsection (1), (2) or (3) of this section, the Department of Human Services shall, at the request of the X-ray machine owner, adjust the registration expiration date of any X-ray machine to coincide with the registration expiration date of other X-ray machines registered to the machine owner. The department shall prorate the registration fee accordingly.

(5) If an X-ray machine or the physical surroundings or equipment associated with the operation of the X-ray machine does not comply with one or more standards adopted by rule of the department, the department may deny the registration or may grant a provisional registration permitting temporary operation pending compliance with department standards.

(6) The department may require that X-ray machines having a valid registration be repaired, calibrated or modified or the physical surroundings or equipment used in conjunction with the operation of the registered X-ray machine be changed to comply with new standards adopted by rule of the department provided that compliance prior to expiration of the registration is determined by the department to be necessary to protect occupational and public health and safety.

(7) The department may deny, condition, suspend or revoke an X-ray machine registration if the department reasonably believes that the X-ray machine or the physical surroundings or equipment used in conjunction with the operation of the X-ray machine presents a danger to the health or safety of the operator or the public.

(8) An X-ray machine registration shall terminate if the X-ray machine is relocated for use in a physical surrounding other than the physical surrounding *[it]* **the X-ray machine** occupied when inspected.

**Passed by House June 8, 2007**

.....  
Chief Clerk of House

.....  
Speaker of House

**Passed by Senate June 19, 2007**

.....  
President of Senate

**Received by Governor:**

.....M,....., 2007

**Approved:**

.....M,....., 2007

.....  
Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

.....  
Secretary of State