
MEMORANDUM

Legislative Fiscal Office
900 Court St. NE, Room H-178
Salem, Oregon 97301
Phone 503-986-1828
FAX 503-373-7807

To: Human Services Subcommittee of the Joint Committee on Ways and Means

From: Linda Ames, Legislative Fiscal Office
503-986-1816

Date: May 27, 2015

Subject: SB 228 Relating to sources of radiation
Work Session Recommendation

SB 228 increases fees and fee limits for registration of tanning devices and X-ray machines. It also increases the statutory cap for licensing of radioactive materials. The bill adjusts the following fees and fee limits:

- Tanning bed registration fee cap from \$100 to \$150 (last increased in 2007)
- X-ray registration fees by 25% (last increased in 2007)
- Radioactive materials licensing fee cap from \$3,000 to \$5,000 (last increased in 2010)

Without these adjustments, the Public Health's Radiation Protection Services will need to reduce inspection staff by three full-time positions during the 2015-17 biennium and one additional position in 2017-19. The budget impact of these fee increases is included in Package 407 in the Oregon Health Authority budget, which increases Other Funds expenditure limitation by \$593,755. This includes increasing the tanning bed fee up to the cap effective July 1, 2015, but increasing radioactive materials licensing only to between \$3,445 and \$3,750.

The measure previously had hearings in the Senate Committee on Health Care on 2/9/2015 and 3/9/15. The measure, the original staff measure summary, and fiscal impact statement are available on the Oregon Legislative Information System (OLIS).

The measure is recommended to be moved to the Full Committee on Joint Ways and Means.

Motion: I move SB 228 to the Joint Committee on Ways and Means with a "do pass" recommendation.

Assignment of Carriers

Full: _____

Senate: _____

House: _____

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 228**Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

Prepared by: Kim To
Reviewed by: Linda Ames
Date: 2/9/2015

Measure Description:

Increases fees and fee limits for registering tanning devices and X-ray machines and issuing specific licenses for sources of radiation.

Government Unit(s) Affected:

Oregon Health Authority (OHA)

Summary of Expenditure Impact:

See Analysis

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

Senate Bill 228 increases fees and fee limits for registration of tanning devices and X-ray machines. Without passage of this bill, the Public Health's Radiation and Protection Services will not be able to maintain current services with an equitable user fee structure, and will have to either eliminate certain programs, or request monies from the General Fund.

The bill adjusts the following fees and fee limits:

- Tanning bed registration fee cap from \$100 to \$150;
- X-ray registration fees by 25%;
- Radioactive materials licensing fee cap from \$3,000 to \$5,000.

Without these adjustments, the Public Health's Radiation and Protection Services will need to reduce inspection staff by a total of four full-time Environmental Health Specialists. The Oregon Health Authority reports that this reduction in staff would increase the current backlog of 500 to 1,300. The reduction in staff could impact the Authority's mammography contract with the U.S. Food and Drug Administration (FDA), which requires timely facility inspections.

The budgetary impact of this bill is anticipated in the 2015-17 Governor's Budget as Policy Package 407, which increases Other Funds expenditure limitation by \$593,755.

PRELIMINARY STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date:

Action:

Meeting Dates:

Prepared By: Linda Ames, Budget Analyst

WHAT THE MEASURE DOES:

Specifies that entity doing business as tanning facility must register each tanning device that is accessible by an individual who is afforded its use as a condition, benefit, or as part of membership in exchange for fee or other compensation. Increases annual registration fee not to exceed \$150 per tanning device. Increases biennial registration fees for institution X-ray machines: \$285 for hospital, \$145 for hospital when inspection of X-ray machine is performed by accredited inspector, \$190 for industrial or podiatry, \$140 for dental, academic, or veterinary, and \$140 for microwave oven repair facility. Creates increase in annual license fees not to exceed \$5,000 for specific license: by-product materials, source materials, or special nuclear materials and their devices. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Radiation Protection Services (RPS) is a program of the Oregon Health Authority (OHA), which promotes health and safety to protect people from unnecessary exposure to radiation such as X-ray equipment, radioactive materials, and tanning beds that are reportedly linked to skin cancers. Specific licenses are required for persons who use radioactive material in hospitals, universities, and industry for individual materials, or for types of facilities. There is a \$3,000 maximum annual license fee for a specific license.

The current biennial registration fees are \$228 for a hospital, radiological, chiropractic, osteopathic, or medical X-ray machine; \$116 for a hospital X-ray machine when the X-ray machine is inspected by an accredited inspector, \$152 for an industrial or podiatry X-ray machine, \$112 for a dental, academic or veterinary X-ray machine, and \$112 for a microwave oven repair facility.

Senate Bill 228

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Oregon Health Authority)

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**.

Increases fees and fee limits for registering tanning devices and X-ray machines and issuing specific licenses for sources of radiation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sources of radiation; creating new provisions; amending ORS 453.729 and 453.757; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 453.729 is amended to read:

6 453.729. (1) The Oregon Health Authority shall adopt by rule standards and a system of regis-
7 tration for tanning devices. Any entity doing business in this state as a tanning facility [*shall reg-*
8 *ister the tanning devices with the authority in a manner prescribed by rule*] **must register with the**
9 **authority, in a manner prescribed by the authority by rule, each tanning device at the tan-**
10 **ning facility that is accessible by an individual who is afforded the use of a tanning device**
11 **as a condition or benefit or as part of a membership in exchange for a fee or other com-**
12 **ensation.**

13 (2) The registration shall include payment of an annual registration fee, not to exceed [*\$100*]
14 **\$150** per tanning device, [*prescribed by rule*] in an amount **prescribed by the authority by rule**
15 **that is** sufficient to cover the costs of administering the regulatory program.

16 (3) The authority may conduct inspections of tanning facilities to ensure compliance with ORS
17 453.726 to 453.734.

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

19 453.757. (1) The Oregon Health Authority shall charge a biennial registration fee for a regis-
20 tration granted pursuant to ORS 453.752 in the following amounts [*for*]:

21 (a) **For a** hospital, radiological, chiropractic, osteopathic or medical X-ray machine, [*\$228*]
22 **\$285.**

23 (b) **For a** hospital X-ray machine when X-ray machine inspection is performed by an accredited
24 radiology inspector, [*\$116*] **\$145.**

25 (c) **For an** industrial or podiatry X-ray machine, [*\$152*] **\$190.**

26 (d) **For a** dental, academic or veterinary X-ray machine, [*\$112*] **\$140.**

27 (e) **For a** microwave oven repair facility, [*\$112*] **\$140.**

28 (2) The authority shall charge an annual license fee for a specific license granted pursuant to
29 ORS 453.665 that may not exceed [*\$3,000*] **\$5,000** as determined by [*rule of*] the authority **by rule**
30 and approved by the Oregon Department of Administrative Services.

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 (3) The fees [*prescribed by the authority pursuant to*] **described in** subsections (1)(e) and (2) of
2 this section are due and payable as prescribed by [*rule of*] the authority **by rule**.

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

5 **(a) Initial accreditation as a radiology inspector; and**

6 **(b) Biennially renewing accreditation as a radiology inspector.**

7 (5) All moneys received by the authority under subsections (1)(e) and (2) of this section shall be
8 paid into the State Treasury, deposited in the General Fund to the credit of the Public Health Ac-
9 count, and used [*exclusively*] by the authority **exclusively** for the purposes of ORS 453.605 to 453.800.

10 **SECTION 3. The amendments to ORS 453.729 and 453.757 by sections 1 and 2 of this 2015**
11 **Act apply to fees imposed on and after the effective date of this 2015 Act.**

12 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
14 **on its passage.**

15 _____