

## HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 235

By COMMITTEE ON HEALTH CARE

May 30

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon delete the rest of the line  
2 and insert “creating new provisions; amending ORS 431A.178, 431A.183 and 433.835; repealing ORS  
3 181A.330, 181A.335 and 431A.180; and prescribing an effective date.”.

4 Delete lines 4 through 18 and delete page 2 and insert:  
5

6 **“LICENSURE**  
7 **OPERATIVE JANUARY 1, 2018**  
8

9 **“SECTION 1. Definitions. As used in sections 1 to 13 of this 2017 Act:**

10 **“(1) ‘Governing body of a local public health authority’ has the meaning given that term**  
11 **in ORS 431.003.**

12 **“(2) ‘Inhalant delivery system’ has the meaning given that term in ORS 431A.175.**

13 **“(3) ‘Local public health authority’ has the meaning given that term in ORS 431.003.**

14 **“(4) ‘Premises’ means the real property on which a business that makes retail sales of**  
15 **tobacco products or inhalant delivery systems is located.**

16 **“(5) ‘Tobacco products’ has the meaning given that term in ORS 431A.175.**

17 **“SECTION 2. Purposes. The purpose of sections 1 to 13 of this 2017 Act is to improve**  
18 **enforcement of local ordinances and rules, state laws and rules and federal laws and regu-**  
19 **lations that govern the retail sale of tobacco products and inhalant delivery systems.**

20 **“SECTION 3. Licensure requirement. A person may not make a retail sale of a tobacco**  
21 **product or an inhalant delivery system at or from a premises located in this state unless the**  
22 **person sells the tobacco product or inhalant delivery system at or from a premises for which**  
23 **a license has been issued under section 5 of this 2017 Act.**

24 **“SECTION 4. Premises to which Act does not apply. Notwithstanding section 3 of this**  
25 **2017 Act, sections 1 to 13 of this 2017 Act do not apply to a person making a retail sale of**  
26 **an inhalant delivery system at a medical marijuana dispensary registered under ORS**  
27 **475B.450 or at a premises for which a license has been issued under ORS 475B.110, unless the**  
28 **person makes a retail sale of an inhalant delivery system that contains nicotine.**

29 **“SECTION 5. Licensure. (1) The Department of Revenue shall issue licenses to, and an-**  
30 **nually renew licenses for, a person that makes retail sales of tobacco products or inhalant**  
31 **delivery systems at qualified premises.**

32 **“(2) To be qualified for licensure under this section, a premises:**

33 **“(a) Must be a premises that is fixed and permanent;**

34 **“(b) May not be located in an area that is zoned exclusively for residential use; and**

35 **“(c) Must meet any qualification for engaging in the retail sale of tobacco products and**

1 inhalant delivery systems enacted as an ordinance by the governing body of a local public  
2 health authority under section 17 of this 2017 Act, provided that the department has knowl-  
3 edge of the qualification pursuant to an agreement entered into under section 12 of this 2017  
4 Act.

5 “(3) For the purpose of licensing premises under this section, the department shall adopt  
6 rules establishing:

7 “(a) Procedures for applying for and renewing licenses; and

8 “(b) Licensure application, issuance and renewal fees.

9 “(4) An application submitted under this section and information related to applying for  
10 or renewing a license under this section is confidential and not subject to public disclosure  
11 under ORS 192.410 to 192.505. However, an application submitted under this section and in-  
12 formation related to applying for or renewing a license under this section may be shared with  
13 the Department of Justice, the Oregon Health Authority or a local public health authority.

14 “(5) The Department of Revenue shall publish a list that includes the name of each per-  
15 son to whom a license has been issued under this section, the address of each premises for  
16 which a license has been issued under this section and any other information that the de-  
17 partment determines is relevant to the public with respect to the retail sale of tobacco pro-  
18 ducts and inhalant delivery systems.

19 “(6) Fees established under subsection (3)(b) of this section must be reasonably calculated  
20 not to exceed the costs associated with the department administering sections 1 to 13 of this  
21 2017 Act.

22 “(7) All moneys collected under this section shall be deposited in the suspense account  
23 described in section 10 of this 2017 Act.

24 “SECTION 6. Proof of licensure. A person to whom a license has been issued under sec-  
25 tion 5 of this 2017 Act must post proof of licensure in a clear and conspicuous place at the  
26 premises for which the license has been issued.

27 “SECTION 7. Revocation, suspension, refusal to issue or renew. (1) The Department of  
28 Revenue may revoke, suspend or refuse to issue or renew a license issued under section 5  
29 of this 2017 Act if the person that holds or seeks the license, an individual who participates  
30 in the management of the premises for which the license has been or would be issued or an  
31 individual who is employed for the purpose of making retail sales at the premises:

32 “(a) Violates sections 1 to 13 of this 2017 Act, a rule adopted under sections 1 to 13 of this  
33 2017 Act or any other state law or rule or federal law or regulation that governs the retail  
34 sale of tobacco products or inhalant delivery systems or state taxation;

35 “(b) Violates an ordinance enacted by the governing body of a local public health au-  
36 thority or a rule adopted by a local public health authority that governs the retail sale of  
37 tobacco products or inhalant delivery systems; or

38 “(c) Makes a false statement to the department.

39 “(2) The department may only revoke, suspend or refuse to issue or renew a license  
40 pursuant to subsection (1)(b) of this section if a local public health authority:

41 “(a) Has provided the person that holds or seeks the license, the individual who partic-  
42 ipates in the management of the premises for which the license has been or would be issued  
43 or the individual who is employed for the purpose of making retail sales at the premises with  
44 a process for contesting the violation that is substantially similar to the process provided  
45 under ORS 183.413 to 183.470; and

1       “(b) Provides the department with a final order that establishes the person or individual  
2 is in violation of an ordinance that is substantially similar to the requirements for a final  
3 order under ORS 183.470.

4       “(3) Except as provided by state tax law or as otherwise identified by the department by  
5 rule or order, a decision by the department to revoke, suspend or refuse to issue or renew  
6 a license under this section may be appealed as a contested case under ORS chapter 183.

7       “SECTION 8. Civil penalty. (1) The Department of Revenue may impose a civil penalty  
8 against a person that holds or seeks a license issued under section 5 of this 2017 Act if the  
9 person that holds or seeks the license, an individual who participates in the management of  
10 the premises for which the license has been or would be issued or an individual who is em-  
11 ployed for the purpose of making retail sales at the premises:

12       “(a) Violates sections 1 to 13 of this 2017 Act, a rule adopted under sections 1 to 13 of this  
13 2017 Act or any other state law or rule or federal law or regulation that governs the retail  
14 sale of tobacco products or inhalant delivery systems or state taxation; or

15       “(b) Makes a false statement to the department.

16       “(2) A civil penalty imposed under this section may not exceed \$1,000 per violation.

17       “(3) Amounts collected by the department under this section shall be deposited in the  
18 suspense account described in section 10 of this 2017 Act.

19       “(4) Except as provided by state tax law or as otherwise identified by the department by  
20 rule or order, an imposition of a civil penalty under this section may be appealed as a con-  
21 tested case under ORS chapter 183.

22       “(5) If a civil penalty is imposed under this section, a civil penalty may not be imposed  
23 for the commission of the same act under ORS 431A.178 or pursuant to an ordinance or rule  
24 adopted under section 17 of this 2017 Act.

25       “SECTION 9. Seizure and forfeiture of contraband tobacco products and contraband  
26 inhalant delivery systems. (1) For purposes of this section, a tobacco product or inhalant  
27 delivery system sold or held for sale at or from a premises for which a license has not been  
28 issued under section 5 of this 2017 Act is a contraband tobacco product or contraband  
29 inhalant delivery system.

30       “(2) A contraband tobacco product or contraband inhalant delivery system found by the  
31 Department of Revenue or a law enforcement agency may be seized immediately by the de-  
32 partment or agency and is subject to forfeiture. If seized and forfeited under this section,  
33 the contraband tobacco product or the contraband inhalant delivery system must be de-  
34 stroyed.

35       “(3) Notwithstanding ORS 305.280 or 323.416, a seizure and forfeiture made under this  
36 section may be appealed to the magistrate division of the Oregon Tax Court within 30 days  
37 of the date of the seizure in the manner provided in ORS 305.404 to 305.560.

38       “SECTION 10. Suspense account for administration and enforcement. (1) Amounts col-  
39 lected by the Department of Revenue under sections 5 and 8 of this 2017 Act shall be paid  
40 to the State Treasurer to be held in a suspense account established under ORS 293.445.

41       “(2) From moneys held in the suspense account, the department may pay expenses re-  
42 lated to the administration and enforcement of sections 1 to 13 of this 2017 Act.

43       “(3) Amounts necessary to make payments as described in subsection (2) of this section  
44 are continuously appropriated to the department from the suspense account.

45       “SECTION 11. Rules. The Department of Revenue may adopt rules necessary for the ef-

fective administration of sections 1 to 13 of this 2017 Act.

**“SECTION 12. Intergovernmental agreements.** (1) The Department of Revenue and the Oregon Health Authority shall:

“(a) Share information necessary for the effective administration of sections 1 to 13 and 17 of this 2017 Act and ORS 431A.175 and 431A.183; and

“(b) Enter into an agreement for purposes of collecting fee moneys for the authority pursuant to ORS 431A.183 from each retailer of tobacco products or inhalant delivery systems at the same time that the department collects fee moneys under section 5 of this 2017 Act from the retailer, and transferring the fee moneys to the authority for deposit in the Oregon Health Authority Fund established under ORS 413.101.

**“(2) The Department of Revenue and each local public health authority shall:**

“(a) Share information necessary for the effective administration of sections 1 to 13 and 17 of this 2017 Act; and

“(b) Enter into an agreement for purposes of collecting any fee moneys for the local public health authority pursuant to section 17 of this 2017 Act from each retailer of tobacco products or inhalant delivery systems located within the area over which the local public health authority has jurisdiction at the same time that the department collects fee moneys under section 5 of this 2017 Act from the retailer, and transferring the fee moneys to the local public health authority for deposit in a fund of the local public health authority.

**“SECTION 13. Suspense account for fee money transfers.** (1) Amounts collected by the Department of Revenue pursuant to agreements entered into under section 12 of this 2017 Act shall be paid to the State Treasurer to be held in a suspense account established under ORS 293.445.

**“(2) From moneys held in the suspense account, the department shall make transfers to the Oregon Health Authority and local public health authorities as required by section 12 of this 2017 Act.**

**“(3) Amounts necessary to make transfers as described in subsection (2) of this section are continuously appropriated to the department from the suspense account.**

**“STATE PUBLIC HEALTH AND SAFETY LAWS  
EFFECTIVE 91ST DAY AFTER SINE DIE**

**“SECTION 14.** ORS 431A.183 is amended to read:

**“431A.183. [(1) The Oregon Health Authority shall:]**

**“[(a) Coordinate with law enforcement agencies to conduct random, unannounced inspections of wholesalers and retailers of tobacco products or inhalant delivery systems to ensure compliance with the laws of this state designed to discourage the use of tobacco products and inhalant delivery systems by minors, including ORS 163.575, 163.580, 167.400, 167.402 and 431A.175; and]**

**“[(b) Submit a report describing:]**

**“[(A) The activities carried out to enforce the laws listed in paragraph (a) of this subsection during the previous fiscal year;]**

**“[(B) The extent of success achieved in reducing the availability of tobacco products and inhalant delivery systems to minors; and]**

**“[(C) The strategies to be utilized for enforcing the laws listed in paragraph (a) of this subsection during the year following the report.]**

1       “(2) *The authority shall adopt rules concerning random inspections of places that distribute or sell*  
2 *tobacco products or inhalant delivery systems that are consistent with any federal law or regulation*  
3 *relating to the inspection of such places. The rules shall provide that inspections may take place.*”]

4       “(a) *Only in areas open to the public;*”]

5       “(b) *Only during the hours that tobacco products or inhalant delivery systems are distributed or*  
6 *sold; and*”]

7       “(c) *No more frequently than once a month in any single establishment unless a compliance prob-*  
8 *lem exists or is suspected.*”]

9       “(3) *The Oregon Liquor Control Commission, pursuant to an agreement or otherwise, may assist*  
10 *the authority with the authority’s duties under subsection (1)(a) of this section and the enforcement of*  
11 *ORS 431A.175.*”]

12       **“(1) The Oregon Health Authority may inspect the premises of a business that engages**  
13 **in the wholesale or retail sale of tobacco products or inhalant delivery systems to ensure**  
14 **compliance with:**

15       **“(a) ORS 431A.175 or a rule adopted under ORS 431A.175; or**

16       **“(b) A state law or rule or federal law or regulation that governs the wholesale or retail**  
17 **sale of tobacco products or inhalant delivery systems for purposes related to public health**  
18 **and safety.**

19       **“(2) The authority shall adopt rules for the effective administration of this section. Rules**  
20 **adopted under this section must be consistent with any federal law or regulation relating to**  
21 **the inspection of businesses that engage in the wholesale or retail sale of tobacco products**  
22 **or inhalant delivery systems.**

23       **“(3) The authority shall adopt by rule fees necessary to pay the expenses of administering**  
24 **and enforcing this section and section 17 of this 2017 Act and ORS 431A.175. Pursuant to an**  
25 **agreement entered into under section 12 of this 2017 Act, the Department of Revenue shall**  
26 **collect the fee moneys for, and transfer the fee moneys to, the authority. Moneys transferred**  
27 **to the authority under this section must be deposited in the Oregon Health Authority Fund**  
28 **established under ORS 413.101. Moneys deposited in the fund under this section are contin-**  
29 **uously appropriated to the authority for the purposes of administering and enforcing this**  
30 **section and section 17 of this 2017 Act and ORS 431A.175.**

31       **“SECTION 15. ORS 431A.178 is amended to read:**

32       **“431A.178. [(1) *The Oregon Health Authority may impose a civil penalty for each violation of ORS***  
33 ***431A.175. A civil penalty imposed under this section may not be less than \$250 or more than \$1,000.*]**

34       **“(1) The Oregon Health Authority may impose a civil penalty against a person that en-**  
35 **gages in the wholesale or retail sale of tobacco products or inhalant delivery systems, as**  
36 **those terms are defined in ORS 431A.175, if the person violates:**

37       **“(a) ORS 431A.175 or a rule adopted under ORS 431A.175; or**

38       **“(b) A state law or rule or federal law or regulation that governs the wholesale or retail**  
39 **sale of tobacco products or inhalant delivery systems for purposes related to public health**  
40 **and safety.**

41       **“(2) A civil penalty imposed under this section may not be more than \$5,000 per violation.**

42       **“[(2)(a)] (3)(a) Amounts collected under [subsection (1) of] this section shall be deposited in the**  
43 **Oregon Health Authority Fund established under ORS 413.101. Except as provided in paragraph (b)**  
44 **of this subsection, moneys deposited in the fund under this subsection are continuously appropriated**  
45 **to the authority for the purpose of carrying out the duties, functions and powers of the authority**

1 under ORS 431A.175 and 431A.183.

2 “(b) At the end of each biennium, the authority shall transfer the unobligated moneys collected  
3 under [subsection (1) of] this section remaining in the fund to the Tobacco Use Reduction Account  
4 established under ORS 431A.153.

5 “(4) If a civil penalty is imposed under this section, a civil penalty may not be imposed  
6 for the commission of the same act under section 7 or 17 of this 2017 Act.

7 “**SECTION 16.** (1) As used in this section:

8 “(a) ‘Inhalant delivery system’ has the meaning given that term in ORS 431A.175.

9 “(b) ‘Tobacco products’ has the meaning given that term in ORS 431A.175.

10 “(2) The Oregon Health Authority may enter into an agreement with a federal agency to  
11 assist in the monitoring and enforcement of federal laws and regulations related to tobacco  
12 products or inhalant delivery systems. For purposes of this section, the authority may:

13 “(a) Adopt any rule necessary to implement an agreement entered into under this sub-  
14 section; and

15 “(b) Take any action necessary to fulfill the authority’s duties under an agreement en-  
16 tered into under this subsection, including permitting employees of the authority to be  
17 commissioned as federal officers.

18 “(3)(a) The authority may apply for and accept moneys from the federal government or  
19 other public or private sources and, in accordance with any federal restriction or other  
20 funding source restriction, use those moneys to carry out functions related to preventing the  
21 use of tobacco products or inhalant delivery systems by individuals who are not the minimum  
22 age required to purchase tobacco products or inhalant delivery systems.

23 “(b) Moneys received by the authority under this subsection shall be deposited in the  
24 Oregon Health Authority Fund established under ORS 413.101. Moneys deposited in the fund  
25 under this subsection are continuously appropriated to the authority. Moneys subject to a  
26 federal restriction or other funding source restriction must be deposited in a separate sub-  
27 account and accounted for separately from other fund moneys.

28 “(4) The authority may enter into an agreement with the Oregon Liquor Control Com-  
29 mission or the Department of State Police for purposes of fulfilling the functions of the au-  
30 thority under this section.

31  
32 “LOCAL REGULATION

33 EFFECTIVE 91ST DAY AFTER SINE DIE

34  
35 “**SECTION 17.** (1) As used in this section:

36 “(a) ‘Governing body of a local public health authority’ has the meaning given that term  
37 in ORS 431.003.

38 “(b) ‘Inhalant delivery system’ has the meaning given that term in ORS 431A.175.

39 “(c) ‘Local public health authority’ has the meaning given that term in ORS 431.003.

40 “(d) ‘Tobacco products’ has the meaning given that term in ORS 431A.175.

41 “(2) Each local public health authority:

42 “(a) Shall enforce standards established by state law or rule relating to the regulation  
43 of the retail sale of tobacco products and inhalant delivery systems for purposes related to  
44 public health and safety;

45 “(b) Subject to paragraph (c) of this subsection, may enforce, pursuant to an ordinance

1 enacted by the governing body of the local public health authority, standards for regulating  
2 the retail sale of tobacco products and inhalant delivery systems for purposes related to  
3 public health and safety in addition to the standards described in paragraph (a) of this sub-  
4 section, including qualifications for engaging in the retail sale of tobacco products or  
5 inhalant delivery systems that are in addition to the qualifications described in section 5 of  
6 this 2017 Act;

7 “(c) May not require businesses that engage in the retail sale of tobacco products or  
8 inhalant delivery systems to acquire a license, registration, certificate or other authorization  
9 to engage in the retail sale of a tobacco product or an inhalant delivery system at or from  
10 a premises located in an area subject to the jurisdiction of the local public health authority;  
11 and

12 “(d) May use outreach and educational services to provide businesses that engage in the  
13 retail sale of tobacco products or inhalant delivery systems with information pertaining to  
14 local ordinances and rules, state laws and rules and federal laws and regulations regulating  
15 the retail sale of tobacco products and inhalant delivery systems.

16 “(3) A local public health authority may impose on businesses that engage in the retail  
17 sale of tobacco products or inhalant delivery systems a fee for paying the expenses of activ-  
18 ities described in subsection (2) of this section. Pursuant to an agreement entered into under  
19 section 12 of this 2017 Act, the Department of Revenue shall collect the fee moneys for, and  
20 transfer the fee moneys to, the local public health authority. Moneys transferred to a local  
21 public health authority under this subsection must be deposited in a fund of the local public  
22 health authority. Moneys deposited in a fund under this subsection may only be spent by the  
23 local public health authority for the purposes of subsection (2) of this section.

24 “(4) A local public health authority may impose a civil penalty not to exceed \$5,000 on a  
25 business that engages in the retail sale of tobacco products or inhalant delivery systems for  
26 violating a standard described in subsection (2) of this section. If a civil penalty is imposed  
27 under this section, a civil penalty may not be imposed for the commission of the same act  
28 under ORS 431A.178 or section 7 of this 2017 Act.

29 “(5) A local public health authority may:

30 “(a) Perform the duties described in this section in accordance with ORS 431.413 (2) or  
31 (3); or

32 “(b) Enter into an agreement with the Oregon Health Authority under ORS 190.110 to  
33 administer and enforce, within the jurisdiction of the local public health authority, the  
34 standards and processes established by state law and rule regarding the regulation of the  
35 retail sale of tobacco products and inhalant delivery systems.

36 “(6) The Oregon Health Authority shall:

37 “(a) Ensure that state standards established by state law and rule regarding the regu-  
38 lation of the retail sale of tobacco products and inhalant delivery systems are administered  
39 and enforced consistently throughout this state;

40 “(b) Establish a database or other mechanism for collecting information from local public  
41 health authorities and the general public regarding the regulation of the retail sale of to-  
42 bacco products and inhalant delivery systems for purposes related to public health and  
43 safety, including any information related to complaints about a person that makes retail  
44 sales of tobacco products or inhalant delivery systems;

45 “(c) Provide technical assistance to local public health authorities regarding the regu-

1 lation of the retail sale of tobacco products and inhalant delivery systems;

2 “(d) Assess the effectiveness of state and local programs for regulating the retail sale  
3 of tobacco products and inhalant delivery systems; and

4 “(e) Adopt any rules necessary to implement or administer the duties of the Oregon  
5 Health Authority under this section.

6 “**SECTION 17a.** A city or county may not require businesses that engage in the retail sale  
7 of tobacco products or inhalant delivery systems to acquire a license, registration, certificate  
8 or other authorization to engage in the retail sale of a tobacco product or an inhalant de-  
9 livery system at or from a premises located in an area subject to the jurisdiction of the city  
10 or county.

11  
12 “OREGON INDOOR CLEAN AIR ACT

13  
14 “**SECTION 17b.** ORS 433.835 is amended to read:

15 “433.835. As used in ORS 433.835 to 433.875:

16 “(1) ‘Cigar bar’ means a business that:

17 “(a) Has on-site sales of cigars as defined in ORS 323.500;

18 “(b) Has a humidor on the premises;

19 “(c) Allows the smoking of cigars on the premises but prohibits the smoking, aerosolizing or  
20 vaporizing of other inhalants on the premises;

21 “(d) Has been issued and operates under a full on-premises sales license issued under ORS  
22 471.175;

23 “(e) Prohibits persons under 21 years of age from entering the premises and posts notice of the  
24 prohibition;

25 “(f) Does not offer video lottery games as authorized under ORS 461.217;

26 “(g) Has a maximum seating capacity of 40 persons;

27 “(h) Has a ventilation system that exhausts smoke from the business and is designed and ter-  
28 minated in accordance with the state building code standards for the occupancy classification in use;  
29 and

30 “(i) Requires all employees to read and sign a document that explains the dangers of exposure  
31 to secondhand smoke.

32 “(2) ‘Enclosed area’ means the entirety of the space between a floor and a ceiling that  
33 is enclosed on three or more sides by permanent or temporary walls or windows, exclusive  
34 of doors or passageways, that extend from the floor to the ceiling.

35 “[2] (3) ‘Inhalant’ means nicotine, a cannabinoid or any other substance that:

36 “(a) Is in a form that allows the nicotine, cannabinoid or substance to be delivered into a  
37 person’s respiratory system;

38 “(b) Is inhaled for the purpose of delivering the nicotine, cannabinoid or other substance into  
39 a person’s respiratory system; and

40 “(c)(A) Is not approved by, or emitted by a device approved by, the United States Food and Drug  
41 Administration for a therapeutic purpose; or

42 “(B) If approved by, or emitted by a device approved by, the United States Food and Drug Ad-  
43 ministration for a therapeutic purpose, is not marketed and sold solely for that purpose.

44 “[3](a) (4)(a) ‘Place of employment’ means an enclosed area under the control of a public or  
45 private employer, including work areas, employee lounges, vehicles that are operated in the course

1 of an employer's business and that are not operated exclusively by one employee, rest rooms, con-  
2 ference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and stairways.

3 "(b) 'Place of employment' does not include a private residence unless it is used as a child care  
4 facility as defined in ORS 329A.250 or a facility providing adult day care as defined in ORS 410.490.

5 "[4] (5) 'Public place' means an enclosed area open to the public.

6 "[5] (6) 'Smoke shop' means a business that is certified with the Oregon Health Authority as  
7 a smoke shop pursuant to the rules adopted under ORS 433.847.

8 "[6] (7) 'Smoking instrument' means any cigar, cigarette, pipe or other instrument used to  
9 smoke tobacco, marijuana or any other inhalant.

10  
11 **"REPEALS**

12 **EFFECTIVE 91ST DAY AFTER SINE DIE**

13  
14 **"SECTION 18. Repeal. ORS 181A.330, 181A.335 and 431A.180 are repealed.**

15  
16 **"MISCELLANEOUS**

17  
18 **"SECTION 19. Abolishment of State Police Tobacco Law Enforcement Fund. The State  
19 Police Tobacco Law Enforcement Fund is abolished. On the effective date of this 2017 Act,  
20 moneys in the fund shall be transferred to the State Treasurer for deposit in the General  
21 Fund, and the moneys shall be available for general governmental purposes.**

22 **"SECTION 20. Applicability. The amendments to ORS 431A.178 by section 15 of this 2017  
23 Act apply to violations for conduct occurring on or after the effective date of this 2017 Act.**

24 **"SECTION 21. Operative date. (1) Sections 1 to 13 of this 2017 Act become operative on  
25 January 1, 2018.**

26 **"(2) The Department of Revenue, the Oregon Health Authority and local public health  
27 authorities may take any action before the operative date specified in subsection (1) of this  
28 section that is necessary to enable the department, the Oregon Health Authority and local  
29 public health authorities to exercise, on and after the operative date specified in subsection  
30 (1) of this section, all the duties, functions and powers conferred on the department, the  
31 Oregon Health Authority and local public health authorities by sections 1 to 13 of this 2017  
32 Act.**

33 **"SECTION 22. Unit and section captions. The unit and section captions used in this 2017  
34 Act are provided only for the convenience of the reader and do not become part of the stat-  
35 utory law of this state or express any legislative intent in the enactment of this 2017 Act.**

36 **"SECTION 23. Effective date. This 2017 Act takes effect on the 91st day after the date  
37 on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine  
38 die."**