

Requested by SENATE COMMITTEE ON HEALTH CARE

**PROPOSED AMENDMENTS TO  
SENATE BILL 998**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the  
2 rest of the line and line 3 and insert “and prescribing an effective date.”.

3 Delete lines 5 through 26 and delete pages 2 through 6 and insert:

4 **“SECTION 1. Definitions. As used in sections 1 to 7 of this 2017 Act:**

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

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

10 **“(3) ‘Tobacco products’ has the meaning given that term in ORS**  
11 **431A.175.**

12 **“SECTION 2. Registration requirement. A person may not make a**  
13 **retail sale of a tobacco product or an inhalant delivery system at or**  
14 **from a premises located in this state unless the person sells the to-**  
15 **bacco product or inhalant delivery system at or from a premises that**  
16 **has been registered under section 4 of this 2017 Act.**

17 **“SECTION 3. Premises to which Act does not apply. Notwith-**  
18 **standing section 2 of this 2017 Act, sections 1 to 7 of this 2017 Act do**  
19 **not apply to a person making a retail sale of an inhalant delivery**  
20 **system at a medical marijuana dispensary registered under ORS**  
21 **475B.450 or at a premises for which a license has been issued under**

1 **ORS 475B.110, unless the person makes a retail sale of a tobacco**  
2 **product or an inhalant delivery system that contains nicotine.**

3 **“SECTION 4. Registration. (1) The Department of Revenue shall**  
4 **register, and annually renew the registration of, a person that makes**  
5 **retail sales of tobacco products or inhalant delivery systems at quali-**  
6 **fied premises.**

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

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

9 **“(b) May not be located in an area that is zoned exclusively for**  
10 **residential use.**

11 **“(3) The department shall adopt rules establishing procedures for**  
12 **applying for registration and annually renewing a registration under**  
13 **this section.**

14 **“(4) A person that makes retail sales of tobacco products or**  
15 **inhalant delivery systems must pay a fee to the department at the**  
16 **time of applying for registration under this section or renewing a**  
17 **registration under this section. The department shall adopt the**  
18 **amount of the fee by rule, provided that the fee does not exceed \$50.**  
19 **The department shall deposit all fee moneys collected under this sec-**  
20 **tion in the suspense account described in section 6 of this 2017 Act.**

21 **“(5) An application submitted under this section and information**  
22 **related to applying for registration or renewing a registration under**  
23 **this section is confidential and not subject to public disclosure under**  
24 **ORS 192.410 to 192.505.**

25 **“(6) The department shall publish a list that includes the name of**  
26 **each person registered under this section, the address of each premises**  
27 **registered under this section and any other information that the de-**  
28 **partment determines is relevant to the public with respect to the retail**  
29 **sale of tobacco products and inhalant delivery systems.**

30 **“SECTION 5. Proof of registration. A person registered under sec-**

1 tion 4 of this 2017 Act must post proof of registration under section 4  
2 of this 2017 Act in a clear and conspicuous place at the registered  
3 premises.

4 **“SECTION 6. Suspense account for administration of Act.** (1)  
5 Amounts collected by the Department of Revenue under section 4 of  
6 this 2017 Act shall be paid to the State Treasurer to be held in a sus-  
7 pense account established under ORS 293.445.

8 **“(2) From moneys held in the suspense account, the department**  
9 **may pay expenses related to the administration and enforcement of**  
10 **sections 1 to 7 of this 2017 Act.**

11 **“(3) Amounts necessary to make payments as described in sub-**  
12 **section (2) of this section are continuously appropriated to the de-**  
13 **partment from the suspense account.**

14 **“SECTION 7. Rules.** The Department of Revenue may adopt rules  
15 necessary for the effective administration of sections 1 to 7 of this 2017  
16 Act.

17 **“SECTION 8. Operative date.** (1) Sections 1 to 7 of this 2017 Act  
18 become operative on January 1, 2018.

19 **“(2) The Department of Revenue may take any action before the**  
20 **operative date specified in subsection (1) of this section that is neces-**  
21 **sary to enable the department to exercise, on and after the operative**  
22 **date specified in subsection (1) of this section, all the duties, functions**  
23 **and powers conferred on the department by sections 1 to 7 of this 2017**  
24 **Act.**

25 **“SECTION 9. Section captions.** The section captions used in this  
26 2017 Act are provided only for the convenience of the reader and do  
27 not become part of the statutory law of this state or express any leg-  
28 islative intent in the enactment of this 2017 Act.

29 **“SECTION 10. Effective date.** This 2017 Act takes effect on the 91st  
30 day after the date on which the 2017 regular session of the Seventy-

1 **ninth Legislative Assembly adjourns sine die.”.**

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