

B-Engrossed
Senate Bill 587

Ordered by the Senate June 18
Including Senate Amendments dated March 30 and June 18

Sponsored by Senator TAYLOR, Representative SALINAS; Senators GORSEK, MANNING JR, PATTERSON, STEINER HAYWARD (Pre-session filed.)

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.

Requires Department of Revenue to issue license to qualified retailers of tobacco products and inhalant delivery systems that do not hold license or other authorization issued by city or local public health authority. Defines "tobacco products" and "inhalant delivery system." Allows department to impose civil penalty for specified violations. Continuously appropriates moneys in suspense account to department for specified purposes.

Directs department, Oregon Health Authority and local public health authorities to share information for effective administration of Act and cigarette and tobacco tax laws and to enter into agreements for purposes of collecting fees imposed by Oregon Health Authority and local public health authorities.

Allows Oregon Health Authority to impose civil penalty for violation of certain state public health and safety laws related to tobacco products and inhalant delivery systems. Continuously appropriates moneys in Oregon Health Authority Fund to authority for purposes of administration and enforcement.

Allows local public health authority to enforce local standards for regulation of sale of tobacco products and inhalant delivery systems or enforce state standards for regulation of sale of tobacco products and inhalant delivery systems. Prohibits city or local public health authority from adopting ordinance, after effective date of Act, to prohibit colocation of retailer of tobacco products or inhalant delivery systems with pharmacy.

Allows certain cities and local public health authorities to require license or other authorization issued by city or local public health authority to make retail sales of tobacco products or inhalant delivery systems.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to public health; creating new provisions; amending ORS 431A.178 and 431A.183; repealing
3 ORS 167.785 and 431A.180; and prescribing an effective date.

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

5
6 **TOBACCO RETAILER LICENSURE**

7
8 **SECTION 1. Definitions. As used in sections 1 to 14 of this 2021 Act:**

9 (1) "Governing body of a local public health authority" has the meaning given that term
10 in ORS 431.003.

11 (2) "Inhalant delivery system" has the meaning given that term in ORS 431A.175.

12 (3) "Local public health authority" has the meaning given that term in ORS 431.003.

13 (4) "Premises" means the real property on which a business that makes retail sales of
14 tobacco products or inhalant delivery systems is located.

15 (5) "Tobacco products" has the meaning given that term in ORS 431A.175.

16 **SECTION 2. Purpose. The purpose of sections 1 to 14 of this 2021 Act is to improve**

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 enforcement of local ordinances and rules, state laws and rules and federal laws and regu-
2 lations that govern the retail sale of tobacco products and inhalant delivery systems.

3 **SECTION 3. Licensure requirement.** A person may not make a retail sale of a tobacco
4 product or an inhalant delivery system at or from a premises located in this state unless the
5 person sells the tobacco product or inhalant delivery system at or from a premises licensed
6 or otherwise authorized under section 5 or 18 of this 2021 Act.

7 **SECTION 4. Premises to which Act does not apply.** Notwithstanding section 3 of this
8 2021 Act, sections 1 to 14 of this 2021 Act do not apply to a person making a retail sale of
9 an inhalant delivery system at a medical marijuana dispensary registered under ORS
10 475B.858 or at a premises for which a license has been issued under ORS 475B.105, unless the
11 person makes a retail sale of an inhalant delivery system that contains nicotine.

12 **SECTION 5. Licensure.** (1) Except as provided in subsection (8) of this section, the De-
13 partment of Revenue shall issue licenses to, and annually renew licenses for, a person that
14 makes retail sales of tobacco products or inhalant delivery systems at qualified premises.

15 (2) To be qualified for licensure under this section, a premises:

16 (a) Must be a premises that is fixed and permanent;

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

18 (c) Must meet any qualification for engaging in the retail sale of tobacco products and
19 inhalant delivery systems enacted as an ordinance by the governing body of a local public
20 health authority under section 17 of this 2021 Act, provided that the department has knowl-
21 edge of the qualification pursuant to an agreement entered into under section 13 of this 2021
22 Act.

23 (3) For the purpose of licensing premises under this section, the department shall adopt
24 rules establishing:

25 (a) Procedures for applying for and renewing licenses; and

26 (b) Licensure application, issuance and renewal fees.

27 (4) An application submitted under this section and information related to applying for
28 or renewing a license under this section is confidential and not subject to public disclosure
29 under ORS 192.311 to 192.478. However, the department may share an application submitted
30 under this section and information related to applying for or renewing a license under this
31 section with the Department of Justice, the Oregon Health Authority or a local public health
32 authority.

33 (5) The Department of Revenue shall publish a list that includes the name of each person
34 to which a license has been issued under this section, the address of each premises for which
35 a license has been issued under this section and any other information that the department
36 determines is relevant to the public with respect to the retail sale of tobacco products and
37 inhalant delivery systems.

38 (6) Fees established under subsection (3)(b) of this section must be reasonably calculated
39 to cover but not exceed the costs incurred by the department in administering sections 1 to
40 14 of this 2021 Act.

41 (7) All moneys collected under this section shall be deposited in the suspense account
42 described in section 10 of this 2021 Act.

43 (8) The department may not require a person that makes retail sales of tobacco products
44 or inhalant delivery systems to obtain a license under this section if the person holds a li-
45 cense or other authorization issued by a city or local public health authority pursuant to

1 section 18 of this 2021 Act.

2 **SECTION 6. Proof of licensure.** A person to which a license or other authorization has
3 been issued under section 5 or 18 of this 2021 Act must post proof of licensure or other au-
4 thorization in a clear and conspicuous place at the premises for which the license or other
5 authorization has been issued.

6 **SECTION 7. Revocation, suspension, refusal to issue or renew.** (1) The Department of
7 Revenue may revoke, suspend or refuse to issue or renew a license issued under section 5
8 of this 2021 Act if the person that holds or seeks the license, an individual who participates
9 in the management of the premises for which the license has been or would be issued or an
10 individual who is employed for the purpose of making retail sales at the premises:

11 (a) Violates sections 1 to 14 of this 2021 Act, a rule adopted under sections 1 to 14 of this
12 2021 Act or any other state law or rule or federal law or regulation that governs the retail
13 sale of tobacco products or inhalant delivery systems or state taxation;

14 (b) Violates an ordinance enacted by the governing body of a local public health authority
15 or a rule adopted by a local public health authority that governs the retail sale of tobacco
16 products or inhalant delivery systems; or

17 (c) Makes a false statement to the department.

18 (2) The department may only revoke, suspend or refuse to issue or renew a license pur-
19 suant to subsection (1)(b) of this section if a local public health authority:

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

25 (b) Provides the department with a final order establishing that the person or individual
26 is in violation of an ordinance that is substantially similar to the requirements for a final
27 order under ORS 183.470.

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

31 (4) The department shall adopt rules to provide that, subject to subsection (2) of this
32 section, a license issued under section 5 of this 2021 Act must be suspended for an amount
33 of time established by the department by rule if a person described in subsection (1) of this
34 section is found to have committed an act described in subsection (1)(a) to (c) of this section
35 three or more times.

36 **SECTION 8. Civil penalty.** (1) The Department of Revenue may impose a civil penalty
37 against a person that holds or seeks a license issued under section 5 of this 2021 Act if the
38 person that holds or seeks the license, an individual who participates in the management of
39 the premises for which the license has been or would be issued or an individual who is em-
40 ployed for the purpose of making retail sales at the premises:

41 (a) Violates sections 1 to 14 of this 2021 Act, a rule adopted under sections 1 to 14 of this
42 2021 Act or any other state law or rule or federal law or regulation that governs the retail
43 sale of tobacco products or inhalant delivery systems or state taxation; or

44 (b) Makes a false statement to the department.

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

1 (3) Amounts collected by the department under this section shall be deposited in the
2 General Fund.

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

6 (5) If a civil penalty is imposed under this section, a civil penalty may not be imposed for
7 the commission of the same act under ORS 431A.178 or pursuant to an ordinance or rule
8 adopted under section 17 of this 2021 Act.

9 **SECTION 9. Seizure and forfeiture of contraband tobacco products and contraband**
10 **inhalant delivery systems.** (1) For purposes of this section, a tobacco product or inhalant
11 **delivery system sold or held for sale at or from a premises for which a license has not been**
12 **issued under section 5 of this 2021 Act is a contraband tobacco product or contraband**
13 **inhalant delivery system.**

14 (2) A contraband tobacco product or contraband inhalant delivery system found by the
15 Department of Revenue or a law enforcement agency may be seized immediately by the de-
16 partment or agency and is subject to forfeiture. If seized and forfeited under this section,
17 the contraband tobacco product or the contraband inhalant delivery system must be de-
18 stroyed.

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

22 **SECTION 10. Suspense account for administration and enforcement.** (1) Amounts col-
23 lected by the Department of Revenue under section 5 of this 2021 Act shall be paid to the
24 State Treasurer to be held in a suspense account established under ORS 293.445.

25 (2) From moneys held in the suspense account, the department may pay expenses for the
26 administration and enforcement of sections 1 to 14 of this 2021 Act and the collection of fees
27 under sections 1 to 14 of this 2021 Act. Refunds, including refunds of erroneous overpayments
28 or refunds of other moneys received in which the department has no legal interest, shall be
29 paid out of the suspense account.

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

32 **SECTION 11. Rules.** The Department of Revenue may adopt rules necessary for the ef-
33 fective administration of sections 1 to 14 of this 2021 Act.

34 **SECTION 12. Fees.** The Oregon Health Authority shall adopt by rule fees necessary to
35 pay the expenses of administering and enforcing ORS 431A.175 and 431A.183 and section 17
36 of this 2021 Act. Pursuant to an agreement entered into under section 13 of this 2021 Act,
37 the Department of Revenue shall collect the fee moneys for, and transfer the fee moneys to,
38 the authority. Moneys transferred to the authority under this section must be deposited in
39 the Oregon Health Authority Fund established under ORS 413.101. Moneys deposited in the
40 fund under this section are continuously appropriated to the authority for the purposes of
41 administering and enforcing ORS 431A.175 and 431A.183 and section 17 of this 2021 Act.

42 **SECTION 13. Intergovernmental agreements.** (1) The Department of Revenue and the
43 Oregon Health Authority shall:

44 (a) Share information necessary for the effective administration of sections 1 to 14 and
45 17 of this 2021 Act and ORS 431A.175 and 431A.183; and

1 (b) Enter into an agreement for purposes of collecting fee moneys for the authority
2 pursuant to section 12 of this 2021 Act from each retailer of tobacco products or inhalant
3 delivery systems at the same time that the department collects fee moneys from the retailer
4 under section 5 of this 2021 Act, and transferring the fee moneys collected pursuant to sec-
5 tion 12 of this 2021 Act to the authority for deposit in the Oregon Health Authority Fund
6 established under ORS 413.101.

7 (2) The department and each local public health authority that does not require licensure
8 or other authorization pursuant to section 18 of this 2021 Act shall:

9 (a) Share information necessary for the effective administration of sections 1 to 14 and
10 17 of this 2021 Act; and

11 (b) Enter into an agreement for purposes of collecting any fee moneys for the local public
12 health authority pursuant to section 17 of this 2021 Act from each retailer of tobacco pro-
13 ducts or inhalant delivery systems located within the area over which the local public health
14 authority has jurisdiction at the same time that the department collects fee moneys from
15 the retailer under section 5 of this 2021 Act, and transferring the fee moneys collected pur-
16 suant to section 17 of this 2021 Act to the local public health authority for deposit in a fund
17 of the local public health authority.

18 (3) The department and each city or local public health authority that requires licensure
19 or other authorization pursuant to section 18 of this 2021 Act shall:

20 (a) Share information necessary for the effective administration of the licensure or other
21 authorization pursuant to section 18 of this 2021 Act and ORS 323.005 to 323.482, 323.500 to
22 323.645 and 323.700 to 323.730 and any rules adopted under ORS 323.005 to 323.482, 323.500 to
23 323.645 or 323.700 to 323.730; and

24 (b) Enter into an agreement under which the city or local public health authority agrees
25 to enforce standards described in section 17 (2)(a) of this 2021 Act against persons licensed
26 or otherwise authorized by the city or local public health authority under section 18 of this
27 2021 Act, including through revocation of the license or other authorization of a person that
28 violates the standards or ORS 323.005 to 323.482, 323.500 to 323.645 and 323.700 to 323.730 and
29 any rules adopted under ORS 323.005 to 323.482, 323.500 to 323.645 or 323.700 to 323.730.

30 (4) The Oregon Health Authority and each local public health authority shall share in-
31 formation necessary for the effective administration of sections 1 to 14 and 17 of this 2021
32 Act and ORS 431A.175 and 431A.183.

33 (5) Notwithstanding the confidentiality provisions of ORS 323.403 and 323.595, the de-
34 partment may disclose information received under ORS 323.005 to 323.482 and 323.500 to
35 323.645 to a city or local public health authority to the extent the department deems neces-
36 sary.

37 **SECTION 14. Suspense account for fee money transfers.** (1) Amounts collected by the
38 Department of Revenue pursuant to agreements entered into under section 13 of this 2021
39 Act shall be paid to the State Treasurer to be held in a suspense account established under
40 ORS 293.445.

41 (2) From moneys held in the suspense account, the department shall make transfers to
42 the Oregon Health Authority and local public health authorities as required by section 13 of
43 this 2021 Act.

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

STATE PUBLIC HEALTH AND SAFETY LAWS

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

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

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

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

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

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

[(2)(a) Amounts collected under subsection (1) of this section shall be deposited in the Oregon Health Authority Fund established under ORS 413.101. Except as provided in paragraph (b) of this subsection, moneys deposited in the fund under this subsection are continuously appropriated to the authority for carrying out the duties, functions and powers of the authority under ORS 431A.175 and 431A.183.]

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

(3) Amounts collected under this section shall be deposited in the General Fund.

(4) If a civil penalty is imposed under this section, a civil penalty may not be imposed for the commission of the same act under section 8 or 17 of this 2021 Act.

SECTION 16. ORS 431A.183 is amended to read:

431A.183. (1)(a) The Oregon Health Authority may enter into an agreement with federal agencies to assist the authority in monitoring and enforcing federal laws and regulations related to tobacco products or inhalant delivery systems.

(b) The authority may commission employees of the authority as federal officers for the purpose of carrying out the duties prescribed under an agreement entered into under paragraph (a) of this subsection.

(c) The authority may adopt rules and take any action necessary to carry out the authority's duties as established under an agreement entered into under paragraph (a) of this subsection.

(2)(a) The authority may enter into an agreement with federal, state and local government agencies, including federal, state and local law enforcement agencies, to assist the authority in carrying out the authority's duties under ORS 431A.175 and 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 persons under 21 years of age, including ORS 167.750, 167.755, 167.760, 167.765, 167.775, 167.780 and 431A.175.

(b) The authority shall ensure that a retailer is inspected as described in this subsection at least once each year. A retailer that is found to be out of compliance with the laws described in paragraph (a) of this subsection may be reinspected as the authority determines necessary.

(c) The authority may adopt rules to carry out paragraph (b) of this subsection.

1 (3)(a) If the authority enters into an agreement with the Department of State Police under sub-
2 section (2) of this section, the department may employ retired state police officers who are active
3 reserve officers. Service by a retired state police officer under this paragraph is subject to ORS
4 238.082.

5 (b) The department may not use the services of a retired state police officer to displace an ac-
6 tive state police member.

7 (4)(a) The authority may apply for and accept moneys from the federal government or other
8 public or private sources and, in accordance with any federal restrictions or other funding source
9 restrictions, use those moneys to carry out the duties and functions related to preventing the use
10 of tobacco products or inhalant delivery systems by persons who are not of the minimum age to
11 purchase tobacco products or inhalant delivery systems.

12 (b) Moneys received by the authority under paragraph (a) of this subsection shall be deposited
13 in the Oregon Health Authority Fund established under ORS 413.101. Moneys subject to a federal
14 restriction or other funding source restriction must be accounted for separately from other fund
15 moneys.

16 (5)(a) The authority shall submit a written report each biennium to the Governor and to the
17 appropriate committee or interim committee of the Legislative Assembly to which matters of public
18 health are assigned.

19 (b) The report submitted under this subsection must contain information describing:

20 (A) The activities carried out to enforce the laws listed in subsection (2) of this section during
21 the previous biennium;

22 (B) The extent of success achieved in reducing the availability of tobacco products and inhalant
23 delivery systems to persons under 21 years of age; and

24 (C) The strategies to be utilized for enforcing the laws listed in subsection (2) of this section
25 during the biennium following the report.

26 (6) The authority shall adopt rules for conducting random inspections of establishments that
27 distribute or sell tobacco products or inhalant delivery systems. The rules shall provide that in-
28 spections may take place:

29 (a) Only in areas open to the public;

30 (b) Only during the hours that tobacco products or inhalant delivery systems are distributed or
31 sold; and

32 (c) No more frequently than once a month in any single establishment unless a compliance
33 problem exists or is suspected.

34
35 **LOCAL REGULATION**

36
37 **SECTION 17. Local regulation. (1) As used in this section:**

38 (a) **“Governing body of a local public health authority” has the meaning given that term**
39 **in ORS 431.003.**

40 (b) **“Inhalant delivery system” has the meaning given that term in ORS 431A.175.**

41 (c) **“Local public health authority” has the meaning given that term in ORS 431.003.**

42 (d) **“Tobacco products” has the meaning given that term in ORS 431A.175.**

43 **(2) Each local public health authority may:**

44 (a) **Enforce, pursuant to an ordinance enacted by the governing body of the local public**
45 **health authority, standards for regulating the retail sale of tobacco products and inhalant**

1 delivery systems for purposes related to public health and safety in addition to the standards
2 described in paragraph (b) of this subsection, including qualifications for engaging in the re-
3 tail sale of tobacco products or inhalant delivery systems that are in addition to the quali-
4 fications described in section 5 of this 2021 Act;

5 (b)(A) Administer and enforce standards established by state law or rule relating to the
6 regulation of the retail sale of tobacco products and inhalant delivery systems for purposes
7 related to public health and safety if the local public health authority and the Oregon Health
8 Authority enter into an agreement pursuant to ORS 190.110; or

9 (B) Perform the duties described in this section in accordance with ORS 431.413 (2) or (3);
10 and

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

15 (3)(a) A local public health authority may impose on businesses that engage in the retail
16 sale of tobacco products or inhalant delivery systems a fee for paying the expenses of activ-
17 ities described in subsection (2) of this section. Pursuant to an agreement entered into under
18 section 13 of this 2021 Act, the Department of Revenue shall collect the fee moneys for, and
19 transfer the fee moneys to, the local public health authority. Moneys transferred to a local
20 public health authority under this subsection must be deposited in a fund of the local public
21 health authority. Moneys deposited in a fund under this subsection may only be spent by the
22 local public health authority for the purposes of subsection (2) of this section.

23 (b) The governing body of a local public health authority may, pursuant to ORS 431.415,
24 establish a schedule for the fees described in paragraph (a) of this subsection.

25 (4) A local public health authority may impose a civil penalty not to exceed \$5,000 on a
26 business that engages in the retail sale of tobacco products or inhalant delivery systems for
27 violating a standard described in subsection (2) of this section. If a civil penalty is imposed
28 under this section, a civil penalty may not be imposed for the commission of the same act
29 under ORS 431A.178 or section 8 of this 2021 Act.

30 (5) The Oregon Health Authority shall:

31 (a) Subject to section 18 of this 2021 Act, ensure that state standards established by state
32 law and rule regarding the regulation of the retail sale of tobacco products and inhalant de-
33 livery systems are administered and enforced consistently throughout this state;

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

39 (c) Provide technical assistance to local public health authorities regarding the regulation
40 of the retail sale of tobacco products and inhalant delivery systems;

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

43 (e) Adopt any rules necessary to implement or administer the provisions of this section.

44 (6)(a) A city or local public health authority may not adopt an ordinance that prohibits
45 a premises that makes retail sales of tobacco products or inhalant delivery systems from

1 being located at the same address as a pharmacy, as defined in ORS 689.005.

2 (b) A city or local public health authority that, on or before the effective date of this 2021
3 Act, adopted an ordinance described in paragraph (a) of this subsection may continue to en-
4 force the ordinance on and after the effective date of this 2021 Act.

5 (7) Except as provided in section 18 of this 2021 Act, a city or local public health authority
6 may not require a person that makes retail sales of tobacco products or inhalant delivery
7 systems to hold a license or other authorization issued by the city or local public health
8 authority in addition to the license issued under section 5 of this 2021 Act.

9 **SECTION 18. Continuity.** A city or local public health authority that, on or before Janu-
10 ary 1, 2021, and pursuant to an ordinance adopted by the governing body of the city or local
11 public health authority, enforced standards described in section 17 (2)(a) of this 2021 Act and
12 required that a person that makes retail sales of tobacco products or inhalant delivery sys-
13 tems in an area subject to the jurisdiction of the city or local public health authority hold a
14 license or other authorization issued by the city or local public health authority may con-
15 tinue to enforce the standards and require the license or other authorization on and after
16 the operative date specified in section 24 of this 2021 Act.

17
18 **REPEAL**

19
20 **SECTION 19. Repeal.** ORS 167.785 and 431A.180 are repealed.

21
22 **APPLICABILITY**

23
24 **SECTION 20. Applicability.** The amendments to ORS 431A.178 by section 15 of this 2021
25 Act apply to violations for conduct occurring on or after the operative date specified in sec-
26 tion 24 of this 2021 Act.

27
28 **FISCAL PROVISIONS**

29
30 **SECTION 21.** Notwithstanding any other law limiting expenditures, the limitation on
31 expenditures established by section 2 (4), chapter __, Oregon Laws 2021 (Enrolled Senate Bill
32 5537), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses
33 from fees, moneys or other revenues, including Miscellaneous Receipts and reimbursements
34 from federal service agreements, but excluding lottery funds and federal funds not described
35 in this section, collected or received by the Department of Revenue, for the Business Divi-
36 sion, is increased by \$1,174,046, for the implementation of sections 1 to 14 of this 2021 Act.

37 **SECTION 22.** Notwithstanding any other law limiting expenditures, the limitation on
38 expenditures established by section 2 (1), chapter __, Oregon Laws 2021 (Enrolled House Bill
39 5024), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses
40 from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax receipts,
41 marijuana tax receipts, beer and wine tax receipts, provider taxes and Medicare receipts, but
42 excluding lottery funds and federal funds not described in this section, collected or received
43 by the Oregon Health Authority, for Health Systems, Health Policy and Analytics, and Public
44 Health, is increased by \$2,061,726.

CAPTIONS

SECTION 23. Unit and section captions. The unit and section captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

OPERATIVE AND EFFECTIVE DATES

SECTION 24. Operative date. (1) Sections 1 to 14 and 17 of this 2021 Act, the amendments to ORS 431A.178 and 431A.183 by sections 15 and 16 of this 2021 Act and the repeal of ORS 167.785 and 431A.180 by section 19 of this 2021 Act become operative on January 1, 2022.

(2) The Department of Revenue, the Oregon Health Authority and local public health authorities may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department, the Oregon Health Authority and local public health authorities to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the department, the Oregon Health Authority and local public health authorities by sections 1 to 14 and 17 of this 2021 Act, the amendments to ORS 431A.178 and 431A.183 by sections 15 and 16 of this 2021 Act and the repeal of ORS 167.785 and 431A.180 by section 19 of this 2021 Act.

SECTION 25. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.