

SENATE AMENDMENTS TO SENATE BILL 587

By COMMITTEE ON HEALTH CARE

March 30

1 On page 1 of the printed bill, line 3, after “ORS” insert “167.785 and”.

2 Delete line 22 and insert “or otherwise authorized under section 5 or 18 of this 2021 Act.”.

3 On page 2, line 6, after “(1)” insert “Except as provided in subsection (8) of this section,”.

4 Delete lines 37 through 39 and insert:

5 “(8) The department may not require a person that makes retail sales of tobacco products or
6 inhalant delivery systems to obtain a license under this section if the person holds a license or other
7 authorization issued by a city or local public health authority pursuant to section 18 of this 2021
8 Act.

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

13 On page 4, delete lines 31 through 45 and insert:

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

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

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

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

26 “(a) Share information necessary for the effective administration of sections 1 to 14 and
27 17 of this 2021 Act; and

28 “(b) Enter into an agreement for purposes of collecting any fee moneys for the local
29 public health authority pursuant to section 17 of this 2021 Act from each retailer of tobacco
30 products or inhalant delivery systems located within the area over which the local public
31 health authority has jurisdiction at the same time that the department collects fee moneys
32 from the retailer under section 5 of this 2021 Act, and transferring the fee moneys collected
33 pursuant to section 17 of this 2021 Act to the local public health authority for deposit in a
34 fund of the local public health authority.

35 “(3) The department and each city or local public health authority that requires licensure

1 or other authorization pursuant to section 18 of this 2021 Act shall:

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

6 “(b) Enter into an agreement under which the city or local public health authority agrees
7 to enforce standards described in section 17 (2)(a) of this 2021 Act against persons licensed
8 or otherwise authorized by the city or local public health authority under section 18 of this
9 2021 Act, including through revocation of the license or other authorization of a person that
10 violates the standards or ORS 323.005 to 323.482, 323.500 to 323.645 and 323.700 to 323.730 and
11 any rules adopted under ORS 323.005 to 323.482, 323.500 to 323.645 or 323.700 to 323.730.

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

15 “(5) Notwithstanding the confidentiality provisions of ORS 323.403 and 323.595, the de-
16 partment may disclose information received under ORS 323.005 to 323.482 and 323.500 to
17 323.645 to a city or local public health authority to the extent the department deems neces-
18 sary.”.

19 On page 5, delete lines 1 through 8.

20 On page 7, line 10, after the period insert “Local regulation.”.

21 On page 8, line 4, after “(a)” insert “Subject to section 18 of this 2021 Act.”.

22 Delete lines 23 through 45 and delete page 9 and insert:

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

27 “**SECTION 18. Continuity.** A city or local public health authority that, on or before Jan-
28 uary 1, 2021, and pursuant to an ordinance adopted by the governing body of the city or local
29 public health authority, enforced standards described in section 17 (2)(a) of this 2021 Act and
30 required that a person that makes retail sales of tobacco products or inhalant delivery sys-
31 tems in an area subject to the jurisdiction of the city or local public health authority hold a
32 license or other authorization issued by the city or local public health authority may con-
33 tinue to enforce the standards and require the license or other authorization on and after
34 the operative date specified in section 22 of this 2021 Act.

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36 “REPEAL

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

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40 “APPLICABILITY

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42 “**SECTION 20. Applicability.** The amendments to ORS 431A.178 by section 15 of this 2021
43 Act apply to violations for conduct occurring on or after the operative date specified in sec-
44 tion 22 of this 2021 Act.

1 "CAPTIONS

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3 "SECTION 21. Unit and section captions. The unit and section captions used in this 2021
4 Act are provided only for the convenience of the reader and do not become part of the stat-
5 utory law of this state or express any legislative intent in the enactment of this 2021 Act.
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7 "OPERATIVE AND EFFECTIVE DATES

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9 "SECTION 22. Operative date. (1) Sections 1 to 14 and 17 of this 2021 Act, the amend-
10 ments to ORS 431A.178 and 431A.183 by sections 15 and 16 of this 2021 Act and the repeal of
11 ORS 167.785 and 431A.180 by section 19 of this 2021 Act become operative on January 1, 2022.

12 "(2) The Department of Revenue, the Oregon Health Authority and local public health
13 authorities may take any action before the operative date specified in subsection (1) of this
14 section that is necessary to enable the department, the Oregon Health Authority and local
15 public health authorities to exercise, on and after the operative date specified in subsection
16 (1) of this section, all the duties, functions and powers conferred on the department, the
17 Oregon Health Authority and local public health authorities by sections 1 to 14 and 17 of this
18 2021 Act, the amendments to ORS 431A.178 and 431A.183 by sections 15 and 16 of this 2021
19 Act and the repeal of ORS 167.785 and 431A.180 by section 19 of this 2021 Act.

20 "SECTION 23. This 2021 Act takes effect on the 91st day after the date on which the 2021
21 regular session of the Eighty-first Legislative Assembly adjourns sine die."
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