

Enrolled
House Bill 2075

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Health Authority)

CHAPTER

AN ACT

Relating to radiation; creating new provisions; amending ORS 453.001, 453.605, 453.729 and 453.757; and declaring an emergency.

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

SECTION 1. ORS 453.001 is amended to read:

453.001. As used in ORS 453.001 to 453.185 [*and 453.605 to 453.807*], unless the context requires otherwise:

(1) "Authority" means the Oregon Health Authority.

(2) "Director" means the Director of the Oregon Health Authority.

SECTION 2. ORS 453.605 is amended to read:

453.605. As used in ORS 453.605 to 453.800, unless the context requires otherwise:

[(1) "*Authority*" means the Oregon Health Authority.]

[(2)] (1) "By-product material" means radioactive material, other than special nuclear material, that is yielded or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

[(3) "*Director*" means the Director of the Oregon Health Authority.]

[(4)] (2) "Electronic product" means any manufactured product or device or component part of such a product or device that has an electronic circuit which during operation can generate or emit a physical field of radiation, such as, but not limited to microwave ovens, laser systems or diathermy machines.

[(5)] (3) "Federal government" means the United States or any agency or instrumentality of the United States.

[(6)] (4) "General license" means a license, effective under rules of the [*authority*] **Oregon Health Authority** without the filing of an application, to acquire, own, possess, use or transfer a device or equipment that produces radiation, or a quantity of, or a device or equipment that utilizes, by-product material, source material, special nuclear material or other radioactive material that occurs naturally or is produced artificially.

[(7)] (5) "Person" means any of the following other than the United States Atomic Energy Commission or any successor thereto:

(a) Individual, group, association, firm, partnership, corporation, trust, estate, agency or public or private institution;

(b) Political subdivision or agency of this state;

(c) State other than this state or any political subdivision or agency of a state other than this state; or

(d) The legal successor, representative, agent or agency of a person listed in paragraphs (a) to (c) of this subsection.

[(8)] **(6)** “Radiation” means:

(a) Ionizing radiation including gamma rays, X-rays, alpha and beta particles, protons, neutrons and other atomic or nuclear particles or rays.

(b) Any electromagnetic radiation that can be generated during the operations of electronic products and that the [authority] **Oregon Health Authority** has determined to present a biological hazard to the occupational or public health and safety but does not mean electromagnetic radiation that can be generated during the operation of an electronic product that is licensed by the Federal Communications Commission.

(c) Any sonic, ultrasonic or infrasonic waves that are emitted from an electronic product as a result of the operation of an electronic circuit in such product and that the authority has determined to present a biological hazard to the occupational or public health and safety.

[(9)] **(7)** “Source material” means:

(a) Uranium, thorium or any other material that the [authority] **Oregon Health Authority** declares to be essential to the production of special nuclear material by an order made after the United States Atomic Energy Commission or any successor thereto has determined the material to be source material; or

(b) Ore that contains such a concentration of one or more materials mentioned in paragraph (a) of this subsection that the authority declares the ore to be essential to the production of special nuclear material by an order made after the United States Atomic Energy Commission or any successor thereto has determined such ore to be source material.

[(10)] **(8)** “Special nuclear material” means any of the following that is not source material:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, or any other material that the [authority] **Oregon Health Authority** declares to be capable of releasing substantial quantities of atomic energy by an order made after the United States Atomic Energy Commission or any successor thereto has determined the material to be special nuclear material.

(b) Material artificially enriched by any material mentioned in paragraph (a) of this subsection.

[(11)] **(9)** “Specific license” means a license, issued after application, to receive, acquire, own, possess, use, manufacture, produce or transfer a device or equipment that produces radiation, or a quantity of, or a device or equipment that utilizes, by-product material, source material or special nuclear material or other radioactive material that occurs naturally or is produced artificially.

(10) “Vendor” means a person who is licensed under section 6 of this 2021 Act.

[(12)] **(11)** “X-ray machine” means a device or equipment that produces radiation when in operation but does not utilize by-product material, source material, special nuclear material or other radioactive material that occurs naturally or is produced artificially.

[(13)] **(12)** “X-ray machine registration” means an authorization granted by the [authority] **Oregon Health Authority** allowing the operation of an X-ray machine.

SECTION 3. ORS 453.757 is amended to read:

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

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

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

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

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

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

(1) The Oregon Health Authority shall impose the following biennial registration fees for a registration issued under ORS 453.752:

(a) For a dental, academic or veterinary X-ray tube, \$210.

(b) For an industrial or podiatry X-ray tube, \$285.

(c) For a hospital, radiological, chiropractic, osteopathic or medical X-ray tube, \$427.

- (d) For a computed tomography X-ray tube, \$600.
- (e) For a mammography X-ray tube, \$800.
- (f) For a therapy or interventional X-ray tube, \$1,000.
- (g) For a microwave oven repair facility, \$140.

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

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

(4) The authority shall impose a \$264 fee for:

- (a) Initial accreditation as a radiology inspector; and
- (b) Biennially renewing accreditation as a radiology inspector.

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

SECTION 4. ORS 453.729 is amended to read:

453.729. (1) The Oregon Health Authority shall adopt by rule standards and a system of registration for tanning devices. Any entity doing business in this state as a tanning facility must register with the authority, in a manner prescribed by the authority by rule, each tanning device at the tanning facility that is accessible by an individual who is afforded the use of a tanning device as a condition or benefit or as part of a membership in exchange for a fee or other compensation.

(2) The registration shall include payment of an annual registration fee, not to exceed [\$150] **\$200** per tanning device, in an amount prescribed by the authority by rule that is sufficient to cover the costs of administering the regulatory program.

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

SECTION 5. Section 6 of this 2021 Act is added to and made a part of ORS 453.605 to 453.800.

SECTION 6. (1) Each person shall obtain a vendor license from the Oregon Health Authority before engaging in the business of:

(a) Selling, leasing, transferring, lending, installing, marketing, servicing, inspecting, repairing or calibrating a radiation device or equipment, including an X-ray machine and tanning device; or

(b) Providing consulting services to an owner or operator of a radiation device or equipment, including an X-ray machine and tanning device.

(2) The authority shall require a person to pay an annual \$500 fee to obtain or renew the vendor license under subsection (1) of this section.

(3) The authority may adopt rules to carry out this section.

SECTION 7. (1) Section 6 of this 2021 Act and the amendments to ORS 453.001, 453.605, 453.729 and 453.757 by sections 1 to 4 of this 2021 Act become operative on January 1, 2022.

(2) The Oregon Health Authority may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the authority by section 6 of this 2021 Act and the amendments to ORS 453.001, 453.605, 453.729 and 453.757 by sections 1 to 4 of this 2021 Act.

SECTION 8. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House June 21, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 23, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State