

SB 587-6
(LC 1064)
3/19/21 (SCT/ps)

Requested by SENATE COMMITTEE ON HEALTH CARE

**PROPOSED AMENDMENTS TO
SENATE BILL 587**

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
3 of this 2021 Act.”.

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

6 Delete lines 37 through 39 and insert:

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

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

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

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

19 **“(a) Share information necessary for the effective administration
20 of sections 1 to 14 and 17 of this 2021 Act and ORS 431A.175 and
21 431A.183; and**

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

8 **“(2) The department and each local public health authority that**
9 **does not require licensure or other authorization pursuant to section**
10 **18 of this 2021 Act shall:**

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

13 **“(b) Enter into an agreement for purposes of collecting any fee**
14 **moneys for the local public health authority pursuant to section 17 of**
15 **this 2021 Act from each retailer of tobacco products or inhalant deliv-**
16 **ery systems located within the area over which the local public health**
17 **authority has jurisdiction at the same time that the department col-**
18 **lects fee moneys from the retailer under section 5 of this 2021 Act, and**
19 **transferring the fee moneys collected pursuant to section 17 of this**
20 **2021 Act to the local public health authority for deposit in a fund of**
21 **the local public health authority.**

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

25 **“(a) Share information necessary for the effective administration**
26 **of the licensure or other authorization pursuant to section 18 of this**
27 **2021 Act and ORS 323.005 to 323.482, 323.500 to 323.645 and 323.700 to**
28 **323.730 and any rules adopted under ORS 323.005 to 323.482, 323.500 to**
29 **323.645 or 323.700 to 323.730; and**

30 **“(b) Enter into an agreement under which the city or local public**

1 **health authority agrees to enforce standards described in section 17**
2 **(2)(a) of this 2021 Act against persons licensed or otherwise authorized**
3 **by the city or local public health authority under section 18 of this 2021**
4 **Act, including through revocation of the license or other authorization**
5 **of a person that violates the standards or ORS 323.005 to 323.482, 323.500**
6 **to 323.645 and 323.700 to 323.730 and any rules adopted under ORS**
7 **323.005 to 323.482, 323.500 to 323.645 or 323.700 to 323.730.**

8 **“(4) The Oregon Health Authority and each local public health au-**
9 **thority shall share information necessary for the effective adminis-**
10 **tration of sections 1 to 14 and 17 of this 2021 Act and ORS 431A.175 and**
11 **431A.183.**

12 **“(5) Notwithstanding the confidentiality provisions of ORS 323.403**
13 **and 323.595, the department may disclose information received under**
14 **ORS 323.005 to 323.482 and 323.500 to 323.645 to a city or local public**
15 **health authority to the extent the department deems necessary.”.**

16 On page 5, delete lines 1 through 8.

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

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

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

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

26 **“SECTION 18. Continuity. A city or local public health authority**
27 **that, on or before January 1, 2021, and pursuant to an ordinance**
28 **adopted by the governing body of the city or local public health au-**
29 **thority, enforced standards described in section 17 (2)(a) of this 2021**
30 **Act and required that a person that makes retail sales of tobacco**

1 **products or inhalant delivery systems in an area subject to the juris-**
2 **isdiction of the city or local public health authority hold a license or**
3 **other authorization issued by the city or local public health authority**
4 **may continue to enforce the standards and require the license or other**
5 **authorization on and after the operative date specified in section 22**
6 **of this 2021 Act.**

7
8 **“REPEAL**

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

11
12 **“APPLICABILITY**

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

17
18 **“CAPTIONS**

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20 **“SECTION 21. Unit and section captions. The unit and section cap-**
21 **tions used in this 2021 Act are provided only for the convenience of the**
22 **reader and do not become part of the statutory law of this state or**
23 **express any legislative intent in the enactment of this 2021 Act.**

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25 **“OPERATIVE AND EFFECTIVE DATES**

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27 **“SECTION 22. Operative date. (1) Sections 1 to 14 and 17 of this 2021**
28 **Act, the amendments to ORS 431A.178 and 431A.183 by sections 15 and**
29 **16 of this 2021 Act and the repeal of ORS 167.785 and 431A.180 by section**
30 **19 of this 2021 Act become operative on January 1, 2022.**

1 **“(2) The Department of Revenue, the Oregon Health Authority and**
2 **local public health authorities may take any action before the opera-**
3 **tive date specified in subsection (1) of this section that is necessary**
4 **to enable the department, the Oregon Health Authority and local**
5 **public health authorities to exercise, on and after the operative date**
6 **specified in subsection (1) of this section, all the duties, functions and**
7 **powers conferred on the department, the Oregon Health Authority and**
8 **local public health authorities by sections 1 to 14 and 17 of this 2021**
9 **Act, the amendments to ORS 431A.178 and 431A.183 by sections 15 and**
10 **16 of this 2021 Act and the repeal of ORS 167.785 and 431A.180 by section**
11 **19 of this 2021 Act.**

12 **“SECTION 23. This 2021 Act takes effect on the 91st day after the**
13 **date on which the 2021 regular session of the Eighty-first Legislative**
14 **Assembly adjourns sine die.”.**

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