

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing accompanies this form.

**FILED**  
11-13-15 12:29 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Oregon Health Authority, Public Health Division  
Agency and Division

333  
Administrative Rules Chapter Number

Tanning device registration fee

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amending OAR 333-103-0025 pertaining to Radiation Protection Service's (RPS), tanning registration program.

**Statutory Authority:**

ORS 453.729

**Other Authority:**

**Statutes Implemented:**

ORS 453.729

**Need for the Rule(s):**

The Oregon Health Authority, Public Health Division, Center for Health Protection is proposing to amend an Oregon Administrative Rule relating to the tanning device registration fee within the Radiation Protection Service (RPS) section.

The tanning program is proposing to amend OAR 333-103-0025 related to the annual fee for tanning machines that expose individuals to ultra violet light (UV). The proposed rule amendment will increase the tanning registration fee by 50% as directed by the passage of Senate Bill 228 (Oregon Laws 2015, chapter 778) during the 2015 legislative session. This proposal will increase the registration fee from \$100 to \$150 per device.

The fees exist to provide regulatory oversight to ensure that members of the public do not become over exposed to UV radiation with a primary emphasis focused on the pediatric age group.

**Documents Relied Upon, and where they are available:**

Oregon Administrative Rule 333-103-0025  
[http://arcweb.sos.state.or.us/pages/rules/oars\\_300/oar\\_333/333\\_103.html](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_333/333_103.html)

Oregon Senate Bill 228 SB 228 (Oregon Laws 2015, chapter 778): <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB228/Enrolled>

**Fiscal and Economic Impact:**

RPS will experience no impact to administrative and operational functions within the tanning registration and enforcement program as a result of the amended rule.

The proposed rule amendment will have a direct impact on tanning business owners due to the 50% registration fee increase with each tanning facility experiencing various costs formulated by the number of tanning devices located at each business site.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

There is no cost of compliance impact to state agencies, units of local government or the public as a result of the proposed rule amendment.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

RPS estimates that approximately 418 tanning facilities will be affected with the proposed amendment to OAR 333-103-0025. RPS's assumption is that the majority of these facilities are small businesses. RPS does not possess the data to determine how many small businesses can be identified within the tanning industry.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

RPS has determined that the proposed rule will not have an effect on the registrant's administrative activities to meet compliance.

**c. Equipment, supplies, labor and increased administration required for compliance:**

No additional supplies, labor or administrative oversight will be required for compliance with the proposed rule.

**How were small businesses involved in the development of this rule?**

Small businesses were represented by the tanning representative appointed as a member of the Radiation Advisory Committee.

**Administrative Rule Advisory Committee consulted?: Yes**

**If not, why?:**

<u>12-22-2015 5:00 p.m.</u>	<u>Brittany Sande</u>	<u>brittany.a.sande@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address