

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

Senate Committee on Senate Health Care

**REVENUE: Minimal fiscal impact (HB 2546 A)****FISCAL: Minimal revenue impact (HB 2546 A)****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Zena Rockowitz, Administrator**Meeting Dates:** 3/23

**WHAT THE MEASURE DOES:** Defines “inhalant delivery system.” Amends laws relating to sale of tobacco products to, and the use of tobacco products by, minors. Expands scope of the offense of endangering the welfare of a minor by knowingly causing sale of tobacco products to minors by including distribution and sale of inhalant delivery systems. Adds inhalants to the Oregon Clean Air Act, and defines “inhalant.” Repeals laws relating to smoking in public that are duplicative or inconsistent with provisions of the Oregon Clean Air Act. Clarifies the exception also applies to devices approved by federal Food and Drug Administration. Allows healthcare facilities to allow inhalant delivery system on site for the purpose of administering medical marijuana. Directs Oregon Health Authority (OHA) to report on the consistency between state and federal regulations on or before February 1, 2019. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Subjecting electronic cigarettes and vapor products to same laws as tobacco products
- Lack of Federal Drug Administration approval for electronic cigarettes
- Content of products in cartridges
- Youth ability to purchase electronic cigarettes
- Indoor air quality impact by electronic cigarettes
- Child resistant cartridges
- Science on labeling and national packaging standards
- Attraction of available flavors
- Electronic cigarettes compared to other nicotine products
- Use of inhalant delivery systems to quit smoking
- Sampling indoors

**EFFECT OF COMMITTEE AMENDMENT: Amendment -A20:** Specifies that labeling and packaging requirements of inhalant delivery systems do not apply to substances contained in cartridge marketed or sold for purposes of being used with inhalant delivery system if cartridge is prefilled and sealed by the manufacturer and not intended to be opened by consumer of cartridge. **Amendment -A21:** Eliminates directive that it is unlawful to distribute or sell inhalant delivery system if is not labeled or packaged in a manner attractive to minors. Removes civil penalties for violations. Directs OHA to make a report on federal law or regulation related to inhalant delivery system. **Amendment -A24:** Defines “vapor shop”. Permits aerosolizing or vaporizing of inhalants that are not cannabinoids in vapor shop. **Amendment -A25:** Allows aerosolizing or vaporizing of inhalants that do not contain cannabinoids to be permitted on premises of business engaged in selling inhalant delivery system, provided business: allow aerosolizing or vaporizing of samples, does not allow aerosolizing or vaporizing of samples that contain cannabinoids, and prohibits person under age 18 from aerosolizing or vaporizing samples. **Amendment -A27:** Allows aerosolizing or vaporizing of inhalants that do not contain cannabinoids to be permitted on premises of business engaged in selling inhalant delivery system, provided business: allow aerosolizing or vaporizing of samples, does not allow aerosolizing or vaporizing of samples that contain cannabinoids, and prohibits person under age 18 from aerosolizing or vaporizing samples. Requires employers to provide place free of smoke, aerosols and vapors. Permits designating rooms for smoking in hotels,

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***This summary has not been adopted or officially endorsed by action of the committee.***

ceremonial smoking purposes, smoking tobacco in tobacco shop and smoking cigars in cigar bar with certain retail sales. Allows performer to smoke and medical marijuana to be permitted in place of employment under certain circumstances until January 1, 2017. **Amendment -A29:** Prohibits selling nicotine liquid containers that do not satisfy certain requirements. Eliminates requirement to make rules consistent with Food and Drug Administration packaging requirements for inhalant delivery systems. Removes Oregon Indoor Clean Air Act requirements. Designates areas where inhalant delivery systems may not be used: playgrounds, elementary schools, elevators, child care facilities.

**BACKGROUND:** Electronic cigarettes, often called e-cigarettes, are battery-operated devices designed to look like regular tobacco cigarettes, although later generations of the device do not look like cigarettes. These devices are also known as personal vaporizers or electronic nicotine delivery systems. The device functions as follows: an atomizer heats liquid containing nicotine, turning it into a vapor that can be inhaled and creating a vapor cloud that resembles cigarette smoke. Manufacturers claim that electronic cigarettes are a safe alternative to conventional cigarettes. However, the Food and Drug Administration (FDA) has not determined and has questioned the safety of these products. When the FDA analyzed samples of two popular brands, it found variable amounts of nicotine and traces of toxic chemicals, including known cancer-causing substances. This prompted the FDA to issue a warning about potential health risks associated with electronic cigarettes.