Senate Bill 415
Sponsored by Senators MONNES ANDERSON, STEINER HAYWARD (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor’s brief statement of the essential features of the measure as introduced.

Prohibits distributing, selling or allowing to be sold flavored tobacco products or flavored inhalant delivery system products in this state.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to flavored tobacco products; creating new provisions; amending ORS 431.853; and declaring an emergency.

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

SECTION 1. (1) As used in this section:
(a) “Characterizing flavor” means a distinguishable taste or aroma other than tobacco or menthol.

(b)(A) “Flavored inhalant delivery system product” means a component of an inhalant delivery system or a substance in any form sold for the purpose of being vaporized or aerosolized by an inhalant delivery system, whether the component or substance is sold separately or is not sold separately, that has been manufactured to impart a characterizing flavor.

(B) “Flavored inhalant delivery system product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose.

(c) “Flavored tobacco product” means a tobacco product, or a component of a tobacco product, that has been manufactured to impart a characterizing flavor.

(d) “Inhalant delivery system” means a device that can be used to deliver nicotine in the form of a vapor or aerosol to a person inhaling from the device.

(2) A person may not distribute, sell or allow to be sold a flavored tobacco product or a flavored inhalant delivery system product in this state.

(3) The Oregon Health Authority may impose a civil penalty of up to $5,000 for each violation of this section. All moneys collected pursuant to this subsection shall be deposited in the Oregon Health Authority Fund established under ORS 413.101 and are continuously appropriated to the authority for the purpose of carrying out the duties, functions and powers of the authority under this section.

(4) The authority may adopt rules to implement this section.

SECTION 2. ORS 431.853 is amended to read:

431.853. (1) The Oregon Health Authority shall:

(a) Coordinate with law enforcement agencies to conduct random, unannounced inspections of [Oregon] wholesalers and retailers of tobacco products to [insure] ensure compliance with [Oregon]
the laws of this state designed to discourage the use of tobacco products by minors, including ORS 163.575, 163.580, 167.400, 167.402 and 431.840 and section 1 of this 2015 Act; and

(b) Submit a report describing:

(A) The activities carried out to enforce the laws listed in paragraph (a) of this subsection during the previous fiscal year;

(B) The extent of success achieved in reducing the availability of tobacco products to minors; and

(C) The strategies to be utilized for enforcing the laws listed in paragraph (a) of this subsection during the year following the report.

(2) The Oregon Health authority shall adopt rules concerning random inspections of places that distribute or sell tobacco products that are consistent with section 1921, Public Law 102-321, 1992 any federal law or regulation relating to the inspection of such places. The rules shall provide that inspections may take place:

(a) Only in areas open to the public;

(b) Only during the hours that tobacco products are sold or distributed or sold; and

(c) No more frequently than once a month in any single establishment unless a compliance problem exists or is suspected.

(3) The Oregon Liquor Control Commission, pursuant to an agreement or otherwise, may assist the authority with the authority's duties under subsection (1)(a) of this section and the enforcement of section 1 of this 2015 Act.

SECTION 3. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.