

# Senate Bill 415

Sponsored by Senators MONNES ANDERSON, STEINER HAYWARD (Pre-session 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

1  
2 Relating to flavored tobacco products; creating new provisions; amending ORS 431.853; and declar-  
3 ing an emergency.

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

5 **SECTION 1. (1) As used in this section:**

6 (a) **"Characterizing flavor" means a distinguishable taste or aroma other than tobacco**  
7 **or menthol.**

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

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

16 (c) **"Flavored tobacco product" means a tobacco product, or a component of a tobacco**  
17 **product, that has been manufactured to impart a characterizing flavor.**

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

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

22 (3) **The Oregon Health Authority may impose a civil penalty of up to \$5,000 for each vio-**  
23 **lation of this section. All moneys collected pursuant to this subsection shall be deposited in**  
24 **the Oregon Health Authority Fund established under ORS 413.101 and are continuously ap-**  
25 **propriated to the authority for the purpose of carrying out the duties, functions and powers**  
26 **of the authority under this section.**

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

28 **SECTION 2. ORS 431.853 is amended to read:**

29 431.853. (1) The Oregon Health Authority shall:

30 (a) Coordinate with law enforcement agencies to conduct random, unannounced inspections of  
31 [*Oregon*] wholesalers and retailers of tobacco products to [*insure*] **ensure** compliance with [*Oregon*]

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **the laws of this state** designed to discourage the use of tobacco **products** by minors, including  
2 ORS 163.575, 163.580, 167.400, 167.402 and 431.840 **and section 1 of this 2015 Act**; and

3 (b) Submit a report describing:

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

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

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

10 (2) The [*Oregon Health*] authority shall adopt rules concerning random inspections of places that  
11 **distribute or** sell tobacco products **that are** consistent with [*section 1921, Public Law 102-321,*  
12 *1992*] **any federal law or regulation relating to the inspection of such places**. The rules shall  
13 provide that inspections may take place:

14 (a) Only in areas open to the public;

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

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

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

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

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