



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: February 7, 2017

TO: Honorable Senator Monnes Anderson, Senate Committee on Health Care

FROM: Cheryl Hiemstra, Deputy Legislative Director

SUBJECT: SB 235 – Tobacco Retailer Licensing

BACKGROUND

The Oregon Department of Justice (“DOJ”) enforces certain tobacco laws that relate to the retail sale of cigarettes and smokeless tobacco products. DOJ maintains directories of all cigarette brands and smokeless tobacco brands that are legal for sale within the State of Oregon. ORS 180.440 and ORS 180.486 prohibit retailers from selling brands that are not on DOJ’s directories. There are criminal and civil remedies for violations of these statutes. DOJ enforces these statutes through joint inspections with the Oregon Department of Revenue (“DOR”).

SUPPORT FOR SB 235

DOJ supports tobacco retailer licensing. We estimate that 38 states have state-wide tobacco retailer licensing programs. In discussions with other states, we have found that a retailer licensing program helps regulators identify all businesses that sell tobacco products to consumers, which makes enforcement of laws relating to the retail sale of tobacco more efficient. License revocation is an efficient and effective enforcement tool for a retailer that evades taxes, sells to minors, or fails to comply with other applicable laws.

AMENDMENT FOR SB 235

Section 5(4) of the bill makes the retailer licensure application and any related information confidential, but allows DOR to share with the Oregon Health Authority or a local public health authority. Because DOJ also enforces laws that are related to the retail sale of tobacco products, and often works with DOR to enforce these laws, we request that DOR be permitted to share the retailer licensure application with DOJ.

CONTACT

Please contact Department of Justice Deputy Legislative Director Cheryl Hiemstra with any further questions or concerns. cheryl.hiemstra@doj.state.or.us or 503-378-6002.