

HB 4078 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Health Care

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Meeting Dates: 2/18

WHAT THE MEASURE DOES:

Defines "inhalant delivery system" as a device that can be used to deliver nicotine as a vapor or aerosol. Expands definition of "retailer" by including an individual who sells inhalant delivery systems. Prohibits the sale of inhalant delivery systems by mail, telephone, or the Internet. Declares an emergency, effective on passage.

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Requires retail establishments offering inhalant delivery system products via delivery sale to verify age of prospective customer. Defines "delivery sale." Specifies standard for age verification. Requires retail establishments fulfilling delivery sales of inhalant delivery systems to provide specified notice to prospective customers. Requires the Oregon Health Authority to adopt rules. Changes effective date to 91 days after adjournment sine die.

-2 Requires retail establishments offering inhalant delivery system products via delivery sale to verify age of prospective customer. Defines "delivery sale." Specifies standard for age verification. Requires retail establishments fulfilling delivery sales of inhalant delivery systems to provide specified notice to prospective customers. Requires the Oregon Health Authority to adopt rules. Changes effective date to 91 days after adjournment sine die.

BACKGROUND:

According to the Public Health Law Center (2008), between 1995 and 2006, 34 states enacted laws to regulate the sale of tobacco products through the Internet and mail order. In the past decade, Congress also has enacted federal legislation to regulate the sale and advertisement of tobacco products. States have recently passed legislation to regulate the retail sale, marketing, and use of e-cigarettes, which are sold in retail outlets and on the Internet. Such sales entail interstate commerce of tobacco products, which is regulated and enforced by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

Oregon law does currently prohibit the sale and receipt of tobacco products purchased through mail order or on the Internet from out-of-state sellers. Current law does require that an out-of-state seller verify that the purchaser meets the minimum age (21) prior to shipping any products, and that the seller must use a shipping method that, upon delivery requires a signature and photo identification from the customer or another non-minor individual residing at the same address upon delivery. Oregon law also requires all delivery sellers to obtain a distributor's license prior to making delivery sales.

House Bill 4078 prohibits the sale of inhalant delivery systems by mail, telephone, or the Internet.