

HB 4078 STAFF MEASURE SUMMARY

Carrier: Sen. Monnes Anderson,
Sen. Taylor

Senate Committee On Health Care

Action Date: 02/18/20
Action: Do pass.
Vote: 4-1-0-0
Yeas: 4 - Beyer, Fagan, Knopp, Monnes Anderson
Nays: 1 - Linthicum
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Brian Nieubuurt, LPRO Analyst
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 emergency, effective on passage.

ISSUES DISCUSSED:

- Prevalence of inhalant delivery system products among youth
- Methods of youth access to inhalant delivery system products
- Current online age verification protocols
- Use of inhalant delivery system products in tobacco cessation

EFFECT OF AMENDMENT:

No amendment.

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.