

HB 2261 STAFF MEASURE SUMMARY

Senate Committee On Health Care

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Meeting Dates: 4/26, 5/12

WHAT THE MEASURE DOES:

Prohibits remote sales of inhalant delivery systems. Defines “inhalant delivery system.” Substitutes “21 years of age” for “the legal minimum purchase age.” Requires tobacco retailer to obtain local license if operating in jurisdiction with local license requirement.

House Vote: Passed. Ayes, 44; Nays, 4 (Evans, Owens, Post, Reschke); Excused, 12 (Alonso Leon, Bonham, Clem, Dexter, Hayden, Leif, Levy, Nearman, Ruiz, Smith G, Wallan, Zika)

REVENUE: No revenue impact

FISCAL: No fiscal impact

ISSUES DISCUSSED:

- Prevalence of vaping among youth
- Loopholes in federal prohibitions on remote sales
- Applicability of Commerce Clause

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Electronic nicotine delivery systems (ENDS), such as vaporizers (vapes) and electronic cigarettes (e-cigarettes), have become increasingly popular in recent years as potentially safer forms of adult tobacco and nicotine use. The popularity of these products has also spread to youth users. In 2020, the Food and Drug Administration (FDA) reported that 3.6 million middle and high school students were current users of e-cigarettes. In 2019, the United States Surgeon General declared e-cigarette use among youth to be an "epidemic." While the FDA finalized a rule in 2016 that included ENDS in the definition of a tobacco product, the majority of regulation of these products is left to the states.

In 2017, the Legislative Assembly passed Senate Bill 754, which raised the minimum age of tobacco and vaping products in Oregon from 18 to 21 years of age. Studies show that despite regulations restricting internet cigarette sales, poor vendor compliance and lack of shipper and federal enforcement continues to make it relatively easy for minor to obtain nicotine products online.

House Bill 2261 prohibits the remote sale of inhalant delivery systems in Oregon.