

Requested by Senator LINTHICUM

**PROPOSED AMENDMENTS TO
HOUSE BILL 3090**

1 On page 1 of the printed bill, line 2, after “flavors;” delete the rest of line
2 and delete line 3 and insert “amending ORS 431A.175.”.

3 Delete lines 5 through 30 and delete pages 2 and 3 and insert:

4 **“SECTION 1. ORS 431A.175 is amended to read:**

5 **“431A.175. (1) As used in this section and ORS 431A.183:**

6 **“(a)(A) ‘Characterizing flavor’ means an artificial or natural taste,**
7 **flavor, aroma or smell, other than the taste, flavor, aroma or smell**
8 **of tobacco, that is distinguishable or distinctive prior to or during**
9 **consumption, including but not limited to any taste, flavor, aroma or**
10 **smell relating to fruit, menthol, mint, wintergreen, spearmint, choco-**
11 **late, cocoa, vanilla, honey, molasses or any candy, dessert, alcoholic**
12 **beverage, herb or spice.**

13 **“(B) ‘Characterizing flavor’ does not include the artificial or natural**
14 **taste, flavor, aroma or smell of cannabis.**

15 **“(b) ‘Flavored inhalant delivery system product’ means an inhalant**
16 **delivery system product that imparts a characterizing flavor.**

17 **“(c) ‘Flavored tobacco product’ means a tobacco product manufac-**
18 **tured to impart a characterizing flavor.**

19 **“[(A)] (d)(A) ‘Inhalant delivery system’ means:**

20 **“(i) A device that can be used to deliver nicotine or cannabinoids in the**
21 **form of a vapor or aerosol to a person inhaling from the device; or**

1 “(ii) A component of a device described in this subparagraph or a sub-
2 stance in any form sold for the purpose of being vaporized or aerosolized by
3 a device described in this subparagraph, whether the component or substance
4 is sold separately or is not sold separately.

5 “(B) ‘Inhalant delivery system’ does not include:

6 “(i) Any product that has been approved by the United States Food and
7 Drug Administration for sale as a tobacco cessation product or for any other
8 therapeutic purpose, if the product is marketed and sold solely for the ap-
9 proved purpose; and

10 “(ii) Tobacco products.

11 “[~~(b)~~] (e) ‘Tobacco products’ means:

12 “(A) Bidis, cigars, cheroots, stogies, periques, granulated, plug cut, crimp
13 cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish,
14 plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse
15 scraps, clippings, cuttings and sweepings of tobacco and other forms of to-
16 bacco, prepared in a manner that makes the tobacco suitable for chewing or
17 smoking in a pipe or otherwise, or for both chewing and smoking;

18 “(B) Cigarettes as defined in ORS 323.010 (1); or

19 “(C) A device that:

20 “(i) Can be used to deliver tobacco products to a person using the device;
21 and

22 “(ii) Has not been approved by the United States Food and Drug Admin-
23 istration for sale as a tobacco cessation product or for any other therapeutic
24 purpose, if the product is marketed and sold solely for the approved purpose.

25 “(2) It is unlawful:

26 “(a) To violate ORS 167.755.

27 “(b) To fail as a retailer of tobacco products to post a notice substantially
28 similar to the notice described in subsection (3) of this section in a location
29 that is clearly visible to the seller and the purchaser of the tobacco products.

30 “(c) To fail as a retailer of inhalant delivery systems to post a notice in

1 a location that is clearly visible to the seller and the purchaser of the
2 inhalant delivery systems that it is unlawful to sell inhalant delivery systems
3 to persons under 21 years of age. The Oregon Health Authority shall adopt
4 by rule the content of the notice required under this paragraph.

5 “(d) To distribute, sell or allow to be sold an inhalant delivery system if
6 the inhalant delivery system is not labeled in accordance with rules adopted
7 by the authority.

8 “(e) To distribute, sell or allow to be sold an inhalant delivery system if
9 the inhalant delivery system is not packaged in child-resistant safety pack-
10 aging, as required by the authority by rule.

11 “(f) To distribute, sell or allow to be sold an inhalant delivery system if
12 the inhalant delivery system is packaged in a manner that is attractive to
13 minors, as determined by the authority by rule.

14 “(g) To distribute, sell or allow to be sold cigarettes in any form other
15 than a sealed package that contains at least 20 cigarettes.

16 “(3) The notice required by subsection (2)(b) of this section must be sub-
17 stantially as follows:

18 “ _____

19 NOTICE

20 “The sale of tobacco in any form to persons under 21 years of age is
21 prohibited by law. Any person who sells, or allows to be sold, tobacco to a
22 person under 21 years of age is in violation of Oregon law.

23 “ _____

24 “(4) Rules adopted under subsection (2)(d), (e) and (f) of this section must
25 be consistent with any regulation adopted by the United States Food and
26 Drug Administration related to labeling or packaging requirements for
27 inhalant delivery systems.

28 “(5)(a) **Except as provided in paragraph (b) of this subsection, a**
29 **retailer that allows individuals under 21 years of age onto its premises**
30 **may not distribute, sell or allow to be sold any flavored inhalant de-**

1 **livery system product or flavored tobacco product.**

2 **“(b) A retailer that allows individuals under 21 years of age onto its**
3 **premises may distribute, sell or allow to be sold to individuals over 21**
4 **years of age any flavored inhalant delivery system product or flavored**
5 **tobacco product with a characterizing flavor of menthol, mint,**
6 **wintergreen or spearmint.**

7 **“(6) A retailer that does not allow individuals under 21 years of age**
8 **onto its premises may distribute, sell or allow to be sold to an indi-**
9 **vidual over 21 years of age any flavored inhalant delivery system**
10 **product or flavored tobacco product.”.**

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