



# HB 2528: Protecting Youth by Closing Tobacco Loopholes

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# Regulation of Nicotine Products

# Currently Regulated in Oregon

# NOT Regulated in Oregon



**CIGARETTES, CIGARS & MOIST SNUFF:** Cigarettes, cigars and moist snuff consist of or contain tobacco. These products are **currently regulated**. (ORS 323.010 & ORS 323.500)



**INHALANT DELIVERY SYSTEM (IDS):** Any substance or device that can be used to deliver nicotine, either synthetic or tobacco derived in the form of a vapor or aerosol is **currently regulated**. (ORS 323.500)



**TOBACCO-DERIVED NICOTINE PRODUCTS:** Tobacco-derived oral nicotine products may be promoted as tobacco-leaf free or “extracted from tobacco”. **Products containing tobacco-derived nicotine, but no leaf, are not currently regulated.**



**SYNTHETIC ORAL NICOTINE PRODUCTS:** Synthetic oral nicotine pouches, gums and lozenges containing **nicotine developed in a lab rather than derived from tobacco leaf are not currently regulated.**

# Not an FDA-Approved Quitting Method



# Oral Nicotine Pouches: What Are They?

- Small, fiber pouches filled with nicotine powder or salts
- Do not contain cut, ground, powdered or leaf tobacco
- Ingredients typically include:
  - Nicotine (tobacco-derived or synthetic)
  - Sweeteners/flavors
  - pH stabilizers
  - Fillers (e.g. microcrystalline cellulose)
- No spitting



# Oral Nicotine Pouches: What Are They? (cont.)

- Wide range of nicotine levels
- Nicotine levels found in some nicotine pouches are similar or higher than in other smokeless tobacco products and cigarettes
- Nicotine pouches often come in youth appealing flavors



3-6 mg/pouch



2-8 mg/pouch



3-6 mg/pouch



6-9 mg/pouch



6-15 mg/pouch



3-9 mg/pouch



3-6 mg/pouch



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# House Bill 2528 Explained

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## Challenge:

- 1) Oregon laws are silent on oral nicotine products, and these products aren't subject to state regulation or penalties.
- 2) Oral nicotine products are not taxed, which makes them cheaper and easier to get.

## Proposal:

- 1) Amend the definition of tobacco products and inhalant delivery systems to include products made or derived from tobacco or nicotine from any source.
- 2) Include oral nicotine products in tobacco tax laws.

The Department of Revenue estimates that the bill would generate around \$8.4 million to the Oregon Health Plan and \$900,000 to the Tobacco Use Reduction Account.



# House Bill 2528 Explained (cont.)

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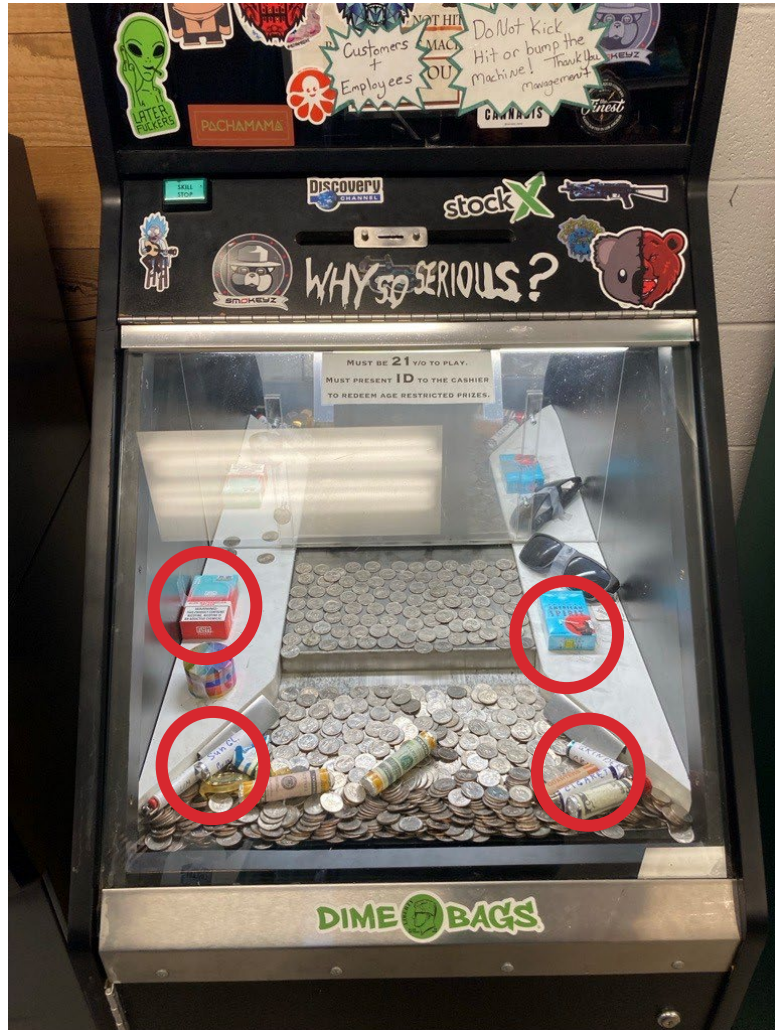
## Challenge:

- 3) Oregon prohibits most remote sales of tobacco products and inhalant delivery systems. Current law has a loophole that allows for home delivery by tobacco retail employees.
- 4) Commercial tobacco prevention partners in Oregon have observed tobacco products and inhalant delivery systems in giveaway prize machines. This violates federal law, but Oregon lacks a comparable state law.

## Proposal:

- 3) Close the face-to-face delivery loophole to ensure youth are unable to purchase tobacco products online and have them delivered.
- 4) Clarify laws to prevent tobacco products and inhalant delivery systems from being prizes that youth can win in chance giveaway machines.

# Giveaway Prize Machines in Oregon



# House Bill 2528 Explained (cont.)

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## Challenge:

- 5) Oregon has two sets of tobacco control laws in place – one for businesses, and one for individuals. Having two sets of laws makes it hard for business owners, staff, other enforcement programs, and the public to understand the consequences of tobacco sales violations.
- 6) OHA's independent authority to hold retailers responsible for tobacco violations is stated inconsistently in current law.

## Proposal:

- 5) Clarify laws that hold retailers responsible for tobacco violations and remove individual criminal penalties.
- 6) Clarify OHA's authority for tobacco and inhalant delivery system regulations related to public health and safety.

# House Bill 2528: Proposed -1 Amendment

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**1. SECTION 1.**

**(4) “The authority may adopt rules necessary for the effective administration of ORS 431A.175 to ORS 431A.183 [to regulate the wholesale or retail sale of tobacco products or inhalant delivery systems in this state to protect the public health and safety of the residents of this state.]”**

**2. “SECTION 7. (1) The amendments to ORS 323.500 by section 3 of this 2025 Act become operative on January 1, 2027.**

**The Oregon Department of Revenue may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the authority by the amendment to ORS 323.500 by section 3 of this 2025 Act.”**

# House Bill 2528: Outcomes and Equity Impacts

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## **Decreased youth access to harmful tobacco and nicotine products.**

- Tobacco and nicotine products pose a significant risk to public health and health equity due to their role in nicotine addiction.
- Ensuring that all nicotine products are regulated will reduce youth access to addictive products and improve retailer compliance with state and federal laws.

## **Consistent and comprehensive regulation of tobacco products**

- Enforcing commercial tobacco sales laws and policies should focus on retailers, distributors, and manufacturers.
- HB 2528 would build on positive results from the Tobacco Retail License Program and create a more even and consistent regulatory environment.

# Thank you

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# Nicotine Pouch Use in the United States

National Youth Tobacco Survey	2021	2024
Current use among middle and high school students was ____	<b>1.9%</b>	1.8%
Nicotine pouches were the ____ most common currently used tobacco product for youth	4th	<b>2nd</b>
____ middle and high school students currently used nicotine pouches	490,000	<b>890,000</b>
Among students who currently used nicotine pouches ____ used a flavored product	61.6%	<b>85.6%</b>