

SB 702 STAFF MEASURE SUMMARY

Senate Committee On Early Childhood and Behavioral Health

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Meeting Dates: 3/4

WHAT THE MEASURE DOES:

The measure prohibits the distribution or sale of flavored tobacco products, bans the free distribution of any tobacco products (i.e., promotional giveaways, free samples), requires all tobacco product sales to occur at licensed retailers, and allows local governments to impose stricter regulations than state law.

Detailed Summary:

Prohibits the distribution or sale of certain tobacco or inhalant delivery system products.

- Prohibits the distribution or sale of any flavored products.
- Prohibits the free distribution of any products, flavored or unflavored.
- Defines flavored tobacco and inhalant delivery system products as products that are designed to taste like something other than tobacco.
- Takes effect October 1, 2025.
- Permits the Oregon Health Authority to take readiness actions before the effective date.

Permits local governments to impose stricter regulations than the state law.

- Allows local governments with stricter regulations in place to enforce them before the effective date of the bill.

Requires that the sale of all tobacco products take place at licensed locations. Declares an emergency, effective on passage.

Fiscal impact: May have fiscal impact, but no statement yet issued.

Revenue impact: May have revenue impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Tobacco product use is frequently established during adolescence, with nine out of ten daily adult smokers having first tried a tobacco product by the age of 18. Flavored products factor into tobacco use among youth. In 2024, 88.2% of high school students and 85.7% of middle school students who used e-cigarettes in the last 30 days reported using flavored e-cigarettes. Similarly, 86.1% of high school students and 85.4% of middle school students who used nicotine pouches in the last 30 days reported using flavored nicotine pouches. ([Centers for Disease Control and Prevention \(CDC\)](#), 2024). Menthol tobacco products are associated with increased tobacco product use and decreased cessation success, and are disproportionately marketed to youth and young adults, women, and people of color ([CDC Tobacco Product Use Among Adults](#), 2024).

In 2009, the [Family Smoking Prevention and Tobacco Control Act](#) gave the U.S. Food and Drug Administration (FDA) regulatory authority over tobacco products and put a national ban on flavored cigarette products except for menthol. In November 2019, Massachusetts became the first state to restrict the sale of all flavored tobacco products including menthol cigarettes. In 2020, New Jersey, New York, and Rhode Island enacted bans on the sale of flavored e-cigarettes while California became the second state to prohibit the sale of both flavored e-cigarettes

This summary has not been adopted or officially endorsed by action of the committee.

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and menthol cigarettes. In 2019, Governor Kate Brown signed [Executive Order 19-09](#), which would have banned the sale of flavored vaping products. The Oregon Court of Appeals stayed this ban for tobacco products.

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