

SB 702 -1, -2, -3, -4 STAFF MEASURE SUMMARY

Senate Committee On Early Childhood and Behavioral Health

Prepared By: Katie Hart, LPRO Analyst

Meeting Dates: 3/4, 4/8

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:

-1 Changes the definition of "characterizing flavor" to include chill, ice, fresh, arctic or frost, or a minty or cooling effect. Presumes a product has characterizing flavor if the manufacturer, importer, distributor, wholesaler, retailer, or authorized third party makes an express or implied public statement of the product producing a flavor. Changes the operative date to July 1, 2026.

-2 Replaces the measure. Establishes the Task Force on Youth Vaping and Tobacco Use and directs the Task Force to issue a report to the interim committees of the Legislative Assembly related to health by December 15, 2026.

Detailed Summary:

Directs the President of the Senate, the Speaker of the House of Representatives, and the Governor to appoint a task force of 21 members representing specified groups. Directs the task force to:

- Review laws regulating the purchase or sale of tobacco, nicotine, or synthetic nicotine products to people under the age of 21.
- Review usage data of tobacco, nicotine, or synthetic nicotine products by people under the age of 21.

SB 702 -1, -2, -3, -4 STAFF MEASURE SUMMARY

- Discuss methods to reduce or prevent tobacco, nicotine, or synthetic nicotine product use by people under the age of 21.
- Evaluate national trends and compare policies and actions.
- Analyze primary source usage survey data.
- Evaluate and develop strategies for kindergarten through 12th grade to reduce student use of tobacco, nicotine, or synthetic nicotine products.
- Review the status, funding, and impact of Oregon's youth tobacco prevention and education programs.

Requires the Oregon Health Authority to provide staff support. Requires the task force to submit a report to the interim committees of the Legislative Assembly related to health by December 15, 2026. Sunsets December 31, 2026. Takes effect on the 91st day following adjournment sine die.

-3 Prohibits the distribution or sale of flavored tobacco or flavored inhalant delivery system products at all locations other than stores established by the Oregon Liquor and Cannabis Commission (OLCC). Changes the definition of "characterizing flavor" to include chill, ice, fresh, arctic or frost, or a minty or cooling effect. Presumes a product has characterizing flavor if the manufacturer, importer, distributor, wholesaler, retailer, or authorized third party makes an express or implied public statement of the product producing a flavor. Changes the operative date to July 1, 2026.

-4 Prohibits the distribution or sale of flavored tobacco products unless a retailer verifies that the purchaser is age 21 or older by swiping a driver's license or identification card through an electronic scanner.

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 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.

Senate Bill 702 prohibits the distribution of flavored tobacco products, bans free distribution of any tobacco products, and requires all tobacco product sales to take place at licensed retailers.