

Tina Kotek, Governor

May 29, 2025

Representative Nancy Nathanson, Chair
Representative E. Werner Reschke, Vice-Chair
House Committee on Revenue
900 Court Street NE
State Capitol
Salem, OR 97301

SUBJECT: May 13, 2025 Committee Questions

Dear Chair, Vice-Chair and Committee Members:

Please find below information requested by members of the House Committee on Revenue at the May 13, 2025 public hearing on House Bill 2528 related public health.

Nicotine derived from any source; vegetables

HB 2528 A amends the Regulation of Tobacco and Inhalant Delivery System Sales law (ORS 431A.175). The aim of the bill is to amend the definitions of tobacco products and inhalant delivery systems (IDS) to include nicotine derived from any source.

The bill would not affect vegetables that naturally contain nicotine.

- OHA does not intend to regulate vegetables that might contain trace amounts of nicotine. In fact, OHA would have no way of knowing whether a vegetable contains nicotine, as it has no testing program and instead relies on product labels, which vegetables do not have. The low levels of nicotine in vegetables are not considered a public health concern, and OHA proposes evidence-based policy accordingly.

May 13, 2025 Committee Questions

May 29, 2025

- To avoid the interpretation that products naturally containing trace levels of nicotine are taxed or otherwise regulated by this bill, the bill uses the language “products containing nicotine derived from any source” rather than “products containing nicotine from any source”.
- The intent of the scope of OHA’s regulation in this area is further evidenced by the list of items identified in the statute as examples of regulated products.

Please do not hesitate to reach out if there are any further questions. Thank you.

Sincerely,



Naomi Adeline-Biggs, MBBS, MPH
Director, Public Health Division