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Open Government Impact Statement

83rd Oregon Legislative Assembly
2025 Regular Session

Measure: HB 3559

Only impacts on Original or Engrossed Versions are Considered Official

Prepared by:	Dexter A. Johnson
Date:	2/14/2025

SUMMARY

Digest: The Act would make changes to the law for some products containing nicotine. (Flesch Readability Score: 69.9).

Prohibits distributing, selling, attempting to sell or allowing to be sold inhalant delivery systems in this state unless the inhalant delivery systems are listed in a directory maintained by the Attorney General.

Requires manufacturers of inhalant delivery systems who want the inhalant delivery systems to be listed in the directory to submit an annual certification to the Attorney General attesting to compliance with federal marketing authorization requirements. Imposes certification fees and penalties.

Defines “alternative nicotine products” and adds those products to existing provisions that apply to other tobacco products.

Clarifies licensing requirements for distributors and delivery sellers of tobacco products. Prohibits the sale of flavored inhalant delivery systems that contain nicotine or nicotine analogues and that have not received a marketing authorization order from the United States Food and Drug Administration.

Establishes new age verification requirements for the sale of tobacco products.

Expands authority to seize and destroy unlawful tobacco products.

Declares an emergency, effective on passage.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure exempts from public disclosure information submitted with each annual certification executed and delivered to the Attorney General by a manufacturer of an inhalant delivery system.

If those public records that could be subject to public disclosure were instead subject to mandatory disclosure under public records law, the public could gain information related to the certification process for manufacturers of inhalant delivery systems, including:

(1) A copy of the marketing granted order issued by the United States Food and Drug Administration pursuant to 21 U.S.C. 387j;

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(2) A copy of the acceptance letter issued by the United States Food and Drug Administration pursuant to 21 U.S.C. 387j for a timely filed application for a premarket tobacco product;
(3) A copy of a document issued by the United States Food and Drug Administration or by a court confirming that the timely filed application for a premarket tobacco product has received a denial order that has been and remains stayed by an order of the United States Food and Drug Administration or a court, rescinded by the United States Food and Drug Administration, or vacated by a court; and
(4) The payment amount for each inhalant delivery system for which a manufacturer seeks certification.