

SB 702 A STAFF MEASURE SUMMARY

Senate Committee On Early Childhood and Behavioral Health

Action Date: 04/08/25

Action: Do pass with amendments and requesting referral to Finance and Revenue. (Printed A-Engrossed.)

Vote: 3-2-0-0

Yeas: 3 - Gorsek, Patterson, Reynolds

Nays: 2 - Anderson, Linthicum

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

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Meeting Dates: 3/4, 4/8

WHAT THE MEASURE DOES:

The measure prohibits the distribution or sale of flavored tobacco products at all locations other than at stores as established by the Oregon Liquor and Cannabis Commission (OLCC). It 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.

- Defines "flavored tobacco product" and "flavored inhalant delivery system product" as a tobacco or inhalant delivery system product manufactured to impart a characterizing flavor.
- Prohibits the distribution or sale of any flavored products at all locations other than at stores established by the OLCC.
- Prohibits the free distribution of any products, flavored or unflavored.
- Defines "characterizing flavor."
- 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.
- Takes effect July 1, 2026.
- 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.

ISSUES DISCUSSED:

- Oregon Liquor and Cannabis Commission regulation authority.
- Enforcement of age-restricted product purchases.
- Revenue impact of the measure.

EFFECT OF AMENDMENT:

Permits sale of flavored tobacco products at stores established by the Oregon Liquor and Cannabis Commission, changes the definition of "characterizing flavor," and changes the operative date.

BACKGROUND:

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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 percent of high school students and 85.7 percent of middle school students who used e-cigarettes in the last 30 days reported using flavored e-cigarettes. Similarly, 86.1 percent of high school students and 85.4 percent 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 A prohibits the distribution of flavored tobacco products at locations other than stores established by the Oregon Liquor and Cannabis Commission, bans free distribution of any tobacco products, and requires all tobacco product sales to take place at licensed retailers.