

House Bill 2053

Sponsored by Representative MCINTIRE (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes it against the law for a minor to take some actions related to tobacco or nicotine. (Flesch Readability Score: 62.8).

Creates the offense of a minor purchasing or attempting to purchase, possessing or attempting to possess or using in public an alternative nicotine product, inhalant delivery system or tobacco product. Punishes violation by a maximum fine of \$50, community service or participation in a health promotion and risk reduction program, or a combination thereof.

A BILL FOR AN ACT

1
2 Relating to the health of minors.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) Except as provided in subsection (2) of this section, it is unlawful for a**
5 **minor to:**

6 (a) **Purchase or attempt to purchase an alternative nicotine product, inhalant delivery**
7 **system or tobacco product.**

8 (b) **Possess or attempt to possess an alternative nicotine product, inhalant delivery sys-**
9 **tem or tobacco product.**

10 (c) **Use in public an alternative nicotine product, inhalant delivery system or tobacco**
11 **product.**

12 (2) **Subsection (1) of this section does not apply to a minor who is:**

13 (a) **Participating in an undercover operation in which the minor purchases or receives**
14 **an alternative nicotine product, inhalant delivery system or tobacco product under the di-**
15 **rection of the minor's employer and with the prior approval of the local prosecutor's office**
16 **as part of an employer-sponsored internal enforcement action.**

17 (b) **Participating in an undercover operation in which the minor purchases or receives**
18 **an alternative nicotine product, inhalant delivery system or tobacco product under the di-**
19 **rection of the state police or a local police agency as part of an enforcement action.**

20 (c) **Participating in compliance checks in which the minor attempts to purchase an al-**
21 **ternative nicotine product, inhalant delivery system or tobacco product for the purpose of**
22 **satisfying federal substance abuse block grant youth tobacco access requirements, if the**
23 **compliance checks are conducted under the direction of a substance use disorder coordinat-**
24 **ing agency and with the prior approval of the state police or a local police agency.**

25 (d) **Handling or transporting an alternative nicotine product, inhalant delivery system or**
26 **tobacco product under the terms of the minor's employment.**

27 (3)(a) **Violation of subsection (1) of this section shall be subject to a fine of not more than**
28 **\$50.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b) In addition to the fine described in paragraph (a) of this subsection, a court may order**
2 **a minor who violates subsection (1) of this section:**

3 **(A) For the first violation, to perform not more than 16 hours of community service,**
4 **participate in a health promotion and risk reduction program, or both.**

5 **(B) For a second violation, to perform not more than 32 hours of community service,**
6 **participate in a health promotion and risk reduction program, or both.**

7 **(C) For a third or subsequent violation, to perform not more than 48 hours of community**
8 **service, participate in a health promotion and risk reduction program, or both.**

9 **(c) A minor who is ordered to participate in a health promotion and risk reduction pro-**
10 **gram under this subsection is responsible for the costs of participating in the program.**

11 **(4) If a court orders a minor to participate in the health promotion and risk reduction**
12 **program described under subsection (3) of this section, the parent or legal guardian of the**
13 **minor shall accompany the minor during the program and pay half of the fine imposed under**
14 **subsection (3) of this section.**

15 **(5) Upon successful completion of all punishment ordered under subsection (3) of this**
16 **section, a minor may provide documented proof of the completion to a court for the purpose**
17 **of expunction, as defined in ORS 419A.260. Upon receipt of the documented proof, a court**
18 **may:**

19 **(a) Subject the records of the minor related to the violation of subsection (1) of this**
20 **section to expunction.**

21 **(b) Waive any fine imposed previously.**

22 **(6) As used in this section:**

23 **(a) “Alternative nicotine product” means any noncombustible product containing nicotine**
24 **from any source or a nicotine analog that is intended for human consumption.**

25 **(b) “Inhalant delivery system” has the meaning given that term in ORS 323.500.**

26 **(c) “Minor” means a person under 18 years of age.**

27 **(d) “Nicotine analog” means a substance with a chemical structure that is substantially**
28 **similar to the chemical structure of nicotine or that produces an effect on the human nerv-**
29 **ous system that is similar to nicotine.**

30 **(e) “Tobacco product” has the meaning given that term in ORS 323.500.**

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