

Enrolled House Bill 3447

Sponsored by Representative MCINTIRE; Representatives NELSON, RESCHKE, WRIGHT, Senator SMITH DB

CHAPTER

AN ACT

Relating to nitrous oxide; creating new provisions; and amending ORS 475.390.

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

SECTION 1. ORS 475.390 is amended to read:

475.390. (1) A business, **or an employee of a business**, that makes retail sales of nitrous oxide canisters from which an individual may directly inhale nitrous oxide[, *or an employee of the business,*] may not sell or deliver a nitrous oxide canister [*from which an individual may directly inhale nitrous oxide*] **described in this subsection** to an individual who is under 18 years of age.

(2)(a) Prior to selling or delivering a nitrous oxide canister described in subsection (1) of this section to an individual, a business or employee of the business shall require the individual to produce one of the following pieces of identification in order to verify that the individual is at least 18 years of age:

(A) A passport;

(B) A driver license, whether issued in this state or by another state;

(C) An identification card issued under ORS 807.400;

(D) An identification card issued by the United States military; or

(E) Any other identification card issued by a state that bears a picture of the individual, the name of the individual, the date of birth of the individual and a physical description of the individual.

(b) The piece of identification presented must establish that the individual is at least 18 years of age and accurately describe the individual.

(3)(a) If the retail sale of a nitrous oxide canister described in subsection (1) of this section is made through an online ordering system for delivery to an individual recipient located in this state, the business making the retail sale may not complete the delivery unless the business, or the employee or agent of the business making the delivery:

(A) Obtains the signature of the recipient of the nitrous oxide canister; and

(B) Verifies by inspecting the individual's identification, as described in subsection (2) of this section, that the recipient is at least 18 years of age.

(b) In order to meet the requirements of this subsection, a business may use an identification verification software or application that is generally accepted as reliable and accurate by the industry in which the business engages.

[(2)(a)] (4)(a) Except as provided in paragraph (b) of this subsection, violation of this section is a Class A violation.

(b) Violation of this section is a Class C misdemeanor if at the time of sentencing the person has been convicted and sentenced, during a prior proceeding, under this section.

[(3) This section does not apply to a business or employee who sells or delivers a nitrous oxide canister from which an individual may directly inhale nitrous oxide if, before selling or delivering the nitrous oxide canister to an individual:]

[(a) The business or employee requires the individual to present one of the following pieces of identification:]

[(A) A passport;]

[(B) A driver license, whether issued in this state or by another state;]

[(C) An identification card issued under ORS 807.400;]

[(D) An identification card issued by the United States military; or]

[(E) Any other identification card issued by a state that bears a picture of the individual, the name of the individual, the date of birth of the individual and a physical description of the individual;]

[(b) The piece of identification presented establishes that the individual is 18 years of age or older;]

[(c) The piece of identification presented accurately describes the individual; and]

[(d) If the piece of identification presented was falsified, a reasonable person would determine, upon inspecting the piece of identification under the same or similar circumstances, that the piece of identification was not altered and accurately describes the individual.]

SECTION 2. The amendments to ORS 475.390 by section 1 of this 2025 Act apply to retail sales of nitrous oxide canisters described in ORS 475.390 made on or after January 1, 2026.

Passed by House March 11, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate May 1, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State