

House Bill 3447

Sponsored by Representative MCINTIRE

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 says that a business has to make sure that a person is at least 18 years of age before they buy nitrous oxide. (Flesch Readability Score: 72.9).

Requires a business that makes retail sales of certain nitrous oxide canisters to verify the recipient is at least 18 years of age. Prohibits a business that makes retail sales of the nitrous oxide canisters through an online ordering system from completing the delivery of a nitrous oxide canister unless the business first verifies that the recipient is at least 18 years of age.

A BILL FOR AN ACT

1
2 Relating to nitrous oxide; creating new provisions; and amending ORS 475.390.

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

4 **SECTION 1.** ORS 475.390 is amended to read:

5 475.390. (1) A business, **or an employee of a business**, that makes retail sales of nitrous oxide
6 canisters from which an individual may directly inhale nitrous oxide[, *or an employee of the*
7 *business,*] may not sell or deliver a nitrous oxide canister [*from which an individual may directly*
8 *inhale nitrous oxide*] **described in this subsection** to an individual who is under 18 years of age.

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

13 **(A) A passport;**

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

15 **(C) An identification card issued under ORS 807.400;**

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

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

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

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

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

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

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 order to meet the requirements of this subsection, a business may use an iden-**
2 **tification verification software or application that is generally accepted as reliable and ac-**
3 **curate by the industry in which the business engages.**

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

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

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

11 [(a) *The business or employee requires the individual to present one of the following pieces of*
12 *identification.*]

13 [(A) *A passport;*]

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

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

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

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

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

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

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

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

27