

Senate Bill 1198

Sponsored by Senators WAGNER, TAYLOR

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 changes the law for the packaging of vapes to protect the health of minors. (Flesch Readability Score: 79.5).

Makes it unlawful to distribute, sell or allow to be sold an inhalant delivery system that is packaged inconsistent with rules adopted by the Oregon Health Authority that are tailored judiciously to the specific purpose of protecting minors from the negative health effects of unlawfully using inhalant delivery systems.

A BILL FOR AN ACT

1
2 Relating to inhalant delivery systems; amending ORS 431A.175.

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

4 **SECTION 1.** ORS 431A.175 is amended to read:

5 431A.175. (1) As used in this section and ORS 431A.183:

6 (a)(A) "Inhalant delivery system" means:

7 (i) A device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aer-
8 osol to a person inhaling from the device; or

9 (ii) A component of a device described in this subparagraph or a substance in any form sold for
10 the purpose of being vaporized or aerosolized by a device described in this subparagraph, whether
11 the component or substance is sold separately or is not sold separately.

12 (B) "Inhalant delivery system" does not include:

13 (i) Any product that has been approved by the United States Food and Drug Administration for
14 sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed
15 and sold solely for the approved purpose; and

16 (ii) Tobacco products.

17 (b) "Tobacco products" means:

18 (A) Bidis, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and
19 other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other
20 chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other
21 forms of tobacco, prepared in a manner that makes the tobacco suitable for chewing or smoking in
22 a pipe or otherwise, or for both chewing and smoking;

23 (B) Cigarettes as defined in ORS 323.010 (1); or

24 (C) A device that:

25 (i) Can be used to deliver tobacco products to a person using the device; and

26 (ii) Has not been approved by the United States Food and Drug Administration for sale as a
27 tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold
28 solely for the approved purpose.

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 (2) It is unlawful:

2 (a) To violate ORS 167.755.

3 (b) To fail as a retailer of tobacco products to post a notice substantially similar to the notice
4 described in subsection (3) of this section in a location that is clearly visible to the seller and the
5 purchaser of the tobacco products.

6 (c) To fail as a retailer of inhalant delivery systems to post a notice in a location that is clearly
7 visible to the seller and the purchaser of the inhalant delivery systems that it is unlawful to sell
8 inhalant delivery systems to persons under 21 years of age. The Oregon Health Authority shall
9 adopt by rule the content of the notice required under this paragraph.

10 (d) To distribute, sell or allow to be sold an inhalant delivery system if the inhalant delivery
11 system is not labeled in accordance with rules adopted by the authority.

12 (e) To distribute, sell or allow to be sold an inhalant delivery system if the inhalant delivery
13 system is not packaged in child-resistant safety packaging, as required by the authority by rule.

14 *[(f) To distribute, sell or allow to be sold an inhalant delivery system if the inhalant delivery sys-*
15 *tem is packaged in a manner that is attractive to minors, as determined by the authority by rule.]*

16 **(f) To distribute, sell or allow to be sold an inhalant delivery system that is packaged**
17 **inconsistent with rules adopted by the authority that are tailored judiciously to the specific**
18 **purpose of protecting minors from the negative health effects of unlawfully using inhalant**
19 **delivery systems.**

20 (g) To distribute, sell or allow to be sold cigarettes in any form other than a sealed package that
21 contains at least 20 cigarettes.

22 (3) The notice required by subsection (2)(b) of this section must be substantially as follows:

23 _____
24

25 NOTICE

26 The sale of tobacco in any form to persons under 21 years of age is prohibited by law. Any
27 person who sells, or allows to be sold, tobacco to a person under 21 years of age is in violation of
28 Oregon law.

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31 (4) Rules adopted under subsection (2)(d), (e) and (f) of this section must be consistent with any
32 regulation adopted by the United States Food and Drug Administration related to labeling or pack-
33 aging requirements for inhalant delivery systems.

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