

SENATE AMENDMENTS TO SENATE BILL 702

By COMMITTEE ON EARLY CHILDHOOD AND BEHAVIORAL HEALTH

April 14

1 On page 1 of the printed bill, line 2, delete “and 431A.175” and insert “, 431A.175, 431A.190 and
2 431A.194”.

3 Delete lines 7 through 22 and insert:

4 “(a)(A) ‘Characterizing flavor’ means:

5 “(i) An artificial or natural taste, flavor, aroma, smell or sensation not attributable exclusively
6 to tobacco that an ordinary consumer would distinguish prior to or during consumption, including
7 but not limited to a taste, flavor, aroma, smell or sensation related to menthol, mint, wintergreen,
8 chocolate, cocoa, vanilla, honey or molasses or any fruit, candy, dessert, alcoholic beverage, herb,
9 spice, chill, ice, fresh, arctic or frost or a minty or cooling effect.

10 “(ii) A product is presumed to have a characterizing flavor if the manufacturer, importer, dis-
11 tributor, wholesaler or retailer of the product, or a third party authorized by the manufacturer,
12 importer, distributor, wholesaler or retailer of the product, makes an express or implied public
13 statement that describes the product as producing a taste, flavor, aroma, smell or sensation not at-
14 tributable exclusively to tobacco, including but not limited to menthol, mint, wintergreen, chocolate,
15 cocoa, vanilla, honey or molasses or any fruit, candy, dessert, alcoholic beverage, herb, spice, chill,
16 ice, fresh, arctic or frost or a minty or cooling effect.

17 “(B) ‘Characterizing flavor’ does not include the artificial or natural taste, flavor, aroma, smell
18 or sensation of cannabis.

19 “(b) ‘Flavored inhalant delivery system product’ means an inhalant delivery system product that
20 imparts a characterizing flavor.

21 “(c) ‘Flavored tobacco product’ means a tobacco product that imparts a characterizing flavor.”.

22 On page 2, line 45, after “state” insert “, except as provided in ORS 431A.194”.

23 On page 3, after line 19, insert:

24 “(6) The authority may adopt rules necessary to administer this section, ORS 431A.178 and
25 431A.183.”.

26 After line 40, insert:

27 “**SECTION 4.** ORS 431A.190 is amended to read:

28 “431A.190. As used in ORS 431A.190 to 431A.216:

29 “(1) ‘**Flavored inhalant delivery system product**’ has the meaning given that term in ORS
30 **431A.175.**

31 “(2) ‘**Flavored tobacco product**’ has the meaning given that term in ORS 431A.175.

32 “[1] (3) ‘Governing body of a local public health authority’ has the meaning given that term
33 in ORS 431.003.

34 “[2] (4) ‘Inhalant delivery system’ has the meaning given that term in ORS 431A.175.

35 “[3] (5) ‘Local public health authority’ has the meaning given that term in ORS 431.003.

1 “[(4)] (6) ‘Premises’ means the real property on which a business that makes retail sales of to-
2 bacco products or inhalant delivery systems is located.

3 “[(5)] (7) ‘Tobacco products’ has the meaning given that term in ORS 431A.175.

4 “**SECTION 5.** ORS 431A.194 is amended to read:

5 “431A.194. (1) A person may not make a retail sale of a tobacco product or an inhalant delivery
6 system at or from a premises located in this state unless the person sells the tobacco product or
7 inhalant delivery system at or from a premises licensed or otherwise authorized under ORS 431A.198
8 or 431A.220.

9 “**(2) Notwithstanding subsection (1) of this section, a person may not make a retail sale**
10 **of a flavored tobacco product or a flavored inhalant delivery system product at or from a**
11 **premises located in this state unless the person sells the flavored tobacco product or flavored**
12 **inhalant delivery system product at or from a premises that is:**

13 “(a) Licensed or otherwise authorized under ORS 431A.198 or 431A.220; and

14 “(b) Established as a store by the Oregon Liquor and Cannabis Commission under ORS
15 **471.750.”.**

16 In line 41, delete “4” and insert “6”.

17 In line 42, delete “5” and insert “7”.

18 On page 4, line 2, delete “5” and insert “7”.

19 In line 3, delete “5” and insert “7”.

20 In line 4, delete “October 1, 2025” and insert “July 1, 2026”.

21 In line 10, delete “6” and insert “8”.

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