



HB 2528 A: Protecting Youth by Closing Tobacco Loopholes

Presented to House Committee on Revenue
May 13, 2025

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Regulation of Nicotine Products

Currently Regulated in Oregon



Cigarettes, cigars & moist snuff

CIGARETTES, CIGARS & MOIST SNUFF: Cigarettes, cigars and moist snuff consist of or contain tobacco. These products are **currently regulated**. (ORS 323.010 & ORS 323.500)



Inhalant Delivery Systems (IDS)

INHALANT DELIVERY SYSTEM (IDS): Any substance or device that can be used to deliver nicotine, either synthetic or tobacco derived in the form of a vapor or aerosol is **currently regulated**. (ORS 323.500)

NOT Regulated in Oregon



Tobacco-derived nicotine products

TOBACCO-DERIVED NICOTINE PRODUCTS: Tobacco-derived oral nicotine products may be promoted as tobacco-leaf free or “extracted from tobacco”. **Products containing tobacco-derived nicotine, but no leaf, are not currently regulated.**



Synthetic nicotine products

SYNTHETIC ORAL NICOTINE PRODUCTS: Synthetic oral nicotine pouches, gums and lozenges containing **nicotine developed in a lab rather than derived from tobacco leaf are not currently regulated.**

Not an FDA-Approved Quitting Method



Oral Nicotine Pouches: What Are They?

- Small, fiber pouches filled with nicotine powder or salts
- Do not contain cut, ground, powdered or leaf tobacco
- Ingredients typically include:
 - Nicotine (tobacco-derived or synthetic)
 - Sweeteners/flavors
 - pH stabilizers
 - Fillers (e.g. microcrystalline cellulose)
- No spitting



Oral Nicotine Pouches: What Are They? (cont.)

- Wide range of nicotine levels
- Nicotine levels found in some nicotine pouches are similar or higher than in other smokeless tobacco products and cigarettes
- Nicotine pouches often come in youth appealing flavors



3-6 mg/pouch



2-8 mg/pouch



3-6 mg/pouch



6-9 mg/pouch



6-15 mg/pouch



3-9 mg/pouch



3-6 mg/pouch



House Bill 2528 A Explained

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Challenge:

- 1) Oregon laws are silent on oral nicotine products, and these products aren't subject to state regulation or penalties.
- 2) Oral nicotine products are not taxed, which makes them cheaper and easier to get.

Proposal:

- 1) Amend the definition of tobacco products and inhalant delivery systems to include products made or derived from tobacco or nicotine from any source.
- 2) Include oral nicotine products in tobacco tax laws.

The Department of Revenue estimates that the bill would generate around \$15.2 million to the Oregon Health Plan and \$1.7 million to the Tobacco Use Reduction Account for the 2027-2029 biennium.

House Bill 2528 A Explained (cont.)

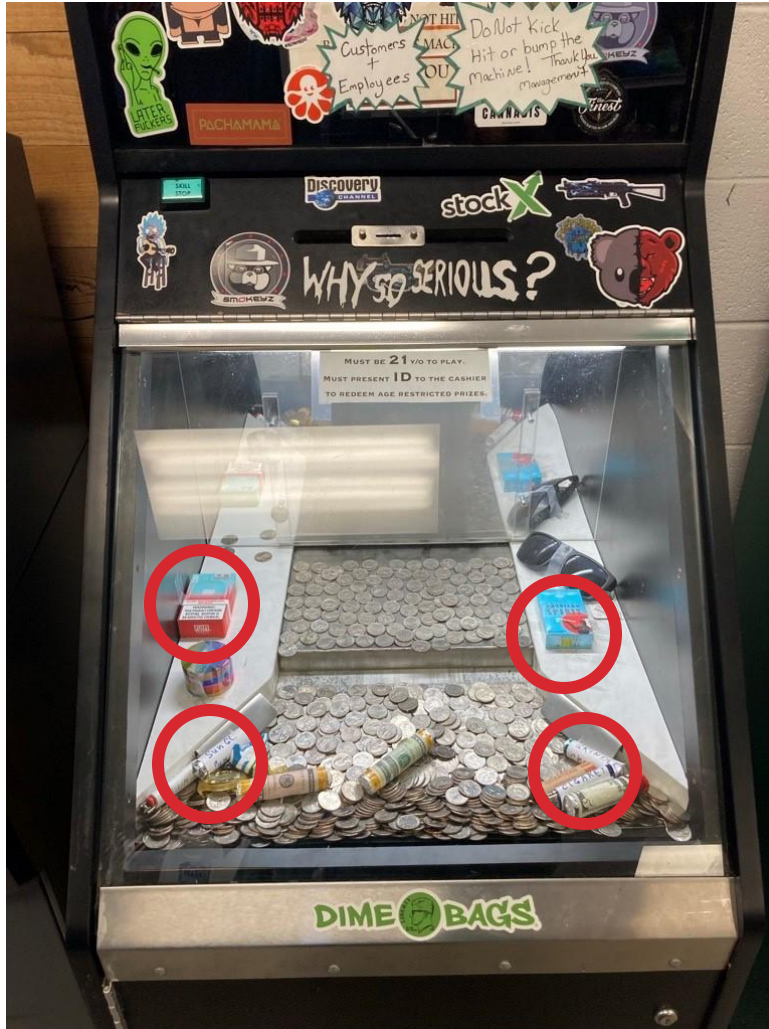
Challenge:

- 3) Oregon prohibits most remote sales of tobacco products and inhalant delivery systems. Current law has a loophole that allows for home delivery by tobacco retail employees.
- 4) Commercial tobacco prevention partners in Oregon have observed tobacco products and inhalant delivery systems in giveaway prize machines. This violates federal law, but Oregon lacks a comparable state law.

Proposal:

- 3) Close the face-to-face delivery loophole to ensure youth are unable to purchase tobacco products online and have them delivered.
- 4) Clarify laws to prevent tobacco products and inhalant delivery systems from being prizes that youth can win in chance giveaway machines.

Giveaway Prize Machines in Oregon



House Bill 2528 A Explained (cont.)

Challenge:

- 5) Oregon has two sets of tobacco control laws in place – one for businesses, and one for individuals. Having two sets of laws makes it hard for business owners, staff, other enforcement programs, and the public to understand the consequences of tobacco sales violations.
- 6) OHA's independent authority to hold retailers responsible for tobacco violations is stated inconsistently in current law.

Proposal:

- 5) Clarify laws that hold retailers responsible for tobacco violations and remove individual criminal penalties.
- 6) Authorize OHA to adopt rules necessary for the effective administration of ORS 431A.175

House Bill 2528 A: Proposed -2 Amendment

Remove SECTION 3.

SECTION 3: Expands the definition of “tobacco products” for taxation purposes to include nicotine pouches, nicotine lozenges and other products containing nicotine derived from any source.

House Bill 2528 A: Outcomes and Equity Impacts

Decreased youth access to harmful tobacco and nicotine products.

- Tobacco and nicotine products pose a significant risk to public health and health equity due to their role in nicotine addiction.
- Ensuring that all nicotine products are regulated will reduce youth access to addictive products and improve retailer compliance with state and federal laws.

Consistent and comprehensive regulation of tobacco products

- Enforcing commercial tobacco sales laws and policies should focus on retailers, distributors, and manufacturers.
- HB 2528 A would build on positive results from the Tobacco Retail License Program and create a more even and consistent regulatory environment.

Thank you

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Nicotine Pouch Use in the United States

National Youth Tobacco Survey	2021	2024
Current use among middle and high school students was ____	1.9%	1.8%
Nicotine pouches were the ____ most common currently used tobacco product for youth	4th	2nd
____ middle and high school students currently used nicotine pouches	490,000	890,000
Among students who currently used nicotine pouches ____ used a flavored product	61.6%	85.6%