

A-Engrossed

Senate Bill 1571

Ordered by the Senate February 18
Including Senate Amendments dated February 18

Sponsored by Senator REYNOLDS; Senators JAMA, NERON MISSLIN, PATTERSON, SOLLMAN, Representatives HUDSON, ISADORE (Presession filed.)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act changes some laws that apply to products with tobacco or nicotine. (Flesch Readability Score: 63.4).

Adds a definition of "nicotine" and expands the definition of "tobacco products."

[*Repeals existing criminal prohibition on the sale of inhalant delivery systems or tobacco products to a person under 21 years of age and replaces the repealed law with a civil prohibition enforced by the Oregon Health Authority. Authorizes imposition of civil penalties for violations.*]

[*Establishes a civil prohibition on providing, without compensation, inhalant delivery systems or tobacco products.*]

[*Authorizes the authority to adopt rules to administer certain laws that apply to inhalant delivery systems and tobacco products.*]

[*Requires any sale of tobacco products, cigarettes, inhalant delivery systems or smokeless tobacco products to occur in person at licensed premises.*]

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1 Relating to consumer products for adults; amending ORS 431A.175; and prescribing an effective date.

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

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

4 431A.175. (1) As used in this section and ORS 431A.183:

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

6 (i) A device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or

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

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

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

10 (ii) Tobacco products.

11 (b) "Nicotine" means any form of the chemical nicotine, regardless of whether the chemical is naturally or synthetically derived, including any salt, complex, alkaloid or analog of nicotine.

12 [(b)] (c)(A) "Tobacco products" means:

13 [(A)] (i) Any product that contains or is made or derived from tobacco or nicotine and

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 **that is likely to be used for human consumption by any means, including in the forms of**
2 **bidis, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other**
3 **smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing**
4 **tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other forms of**
5 **tobacco[, prepared in a manner that makes the tobacco suitable for chewing or smoking in a pipe or**
6 **otherwise, or for both chewing and smoking], oral nicotine pouches, nicotine lozenges and other**
7 **products that contain nicotine;**

8 [(B)] (ii) Cigarettes as defined in ORS 323.010 (1); or

9 [(C)] (iii) A device that:

10 [(i)] (I) Can be used to deliver tobacco products to a person using the device; and

11 [(ii)] (II) Has not been approved by the United States Food and Drug Administration for sale
12 as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and
13 sold solely for the approved purpose.

14 **(B) “Tobacco products” does not include an article that is food, as defined in ORS 616.205,**
15 **if the article does not contain nicotine or contains no more than trace amounts of naturally**
16 **occurring nicotine.**

17 (2) It is unlawful **to:**

18 (a) [To] Violate ORS 167.755.

19 (b) [To] Fail as a retailer of tobacco products to post a notice substantially similar to the notice
20 described in subsection (3) of this section in a location that is clearly visible to the seller and the
21 purchaser of the tobacco products.

22 (c) [To] Fail as a retailer of inhalant delivery systems to post a notice in a location that is
23 clearly visible to the seller and the purchaser of the inhalant delivery systems that it is unlawful
24 to sell inhalant delivery systems to persons under 21 years of age. The Oregon Health Authority
25 shall adopt by rule the content of the notice required under this paragraph.

26 (d) [To] Distribute, sell or allow to be sold an inhalant delivery system if the inhalant delivery
27 system is not labeled in accordance with rules adopted by the authority.

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

30 (f) [To] Distribute, sell or allow to be sold an inhalant delivery system if the inhalant delivery
31 system is packaged in a manner that is attractive to minors, as determined by the authority by rule.

32 (g) [To] Distribute, sell or allow to be sold cigarettes in any form other than a sealed package
33 that contains at least 20 cigarettes.

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

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37 NOTICE

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

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

1 **SECTION 2.** This 2026 Act takes effect on the 91st day after the date on which the 2026
2 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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