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STATE SENATOR
District 17



OREGON STATE SENATE

February 11, 2026
Senate Committee on Judiciary
12:45pm, Hearing Room

Over the past several decades, we have seen the tobacco industry morph, change, and innovate their way around heightened regulations and negative public sentiment. Some of those regulations include Oregon's public health measures to require that tobacco retailers be licensed and that tobacco products not be sold online, save for premium cigars.

Enter a loophole product - nicotine pouches - that people tuck into their cheeks and lips. Straight nicotine - the most addictive chemical on our planet. The appeal is understandable. They can be used anywhere, any time, without producing smoke, odor, or black spit. This product has been widely adopted, including by youth -who can purchase this product at all sorts of stores, including those without a tobacco retail license. I will add that nicotine addiction is demoralizing, and it increases anxiety. I hear about it in my pediatric exam room.

SB 1571 is about updating our state's definition of tobacco to include nicotine products. **THIS MATCHES** federal law - the federal definition of tobacco products.

Look, federal law states that people under 21 cannot buy nicotine pouches. In Oregon, that law is not enforceable because our statute does not include straight nicotine as a tobacco product (again, federal law does). This bill closes that loophole, allowing for our state's tobacco public health officials to crack down on sales of nicotine pouches to minors. This bill is simply about getting our law to be in agreement with federal law.

This bill is logical - mirror the federal definition of tobacco by including nicotine, and then apply what Oregon has chosen to do to regulate tobacco. Furthermore, the FDA has not deemed this product to be a cessation product. If the producers of nicotine pouches choose to become a cessation product, they would be able to be sold online.

I'll close with this. Last week, there was an article in Willamette Week about a minor employed by Multnomah County who goes into stores to try to buy nicotine products. A sting operation. Multnomah County vendors were among the worst for selling tobacco to minors, according to federal inspection data. And this minor decoy project does a great job in monitoring those numbers and directing bad actors to the county public health department. BUT Multnomah County is one of only a few counties that have put into effect special legislation that allows county agents to do these tobacco/nicotine sales checks at the state level. Oregon's other 30+ counties are all deferring to the state since adopting their own tobacco retail licensing is cost prohibitive. Counties need the state to act. This bill will allow every corner of our state to have the same protections.

A vote for this bill is a vote for protecting our children from tobacco's latest scheme to get us hooked.

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Frequently Asked Questions re Tobacco, Nicotine, and SB 1571

FDA Tobacco Definition: 21 USCA 321 (rr)(1)-(2)

The term “tobacco product” means any product made or derived from tobacco, or containing nicotine from any source, that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

"The term “tobacco product” does not mean an article that is a drug under subsection (g)(1), a device under subsection (h), or a combination product described in section 353(g)

The Consolidated Appropriations Act of 2022 (the Appropriations Act) (Pub. L. 117-103), enacted on March 15, 2022, amended the definition of the term “tobacco product” in section 201(rr) of the FD&C Act to include products that contain nicotine from any source.

([https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000546&cite=21USCAS353&originatingDoc=N0FF20841CA8311ED9C3FDC72D6F09D28&refType=RB&originationContext=document&transitionType=DocumentItem&ppcid=2f0c83565a064f918d81eb94c380edfb&contextData=\(sc.Category\)#co_pp_16f4000091d86](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000546&cite=21USCAS353&originatingDoc=N0FF20841CA8311ED9C3FDC72D6F09D28&refType=RB&originationContext=document&transitionType=DocumentItem&ppcid=2f0c83565a064f918d81eb94c380edfb&contextData=(sc.Category)#co_pp_16f4000091d86)) of this title.

Repeal of criminal fine provision

The bill repeals criminal fine provisions to clarify what fines are applicable to license holders who sell tobacco products to minors. The criminal fine provisions have been out of use since Tobacco Retail Licensing (TRL) passed in 2021 (SB 587). Current fines are levied under a civil provision in OHA’s OAR 333-015-0262. Repealing ORS 167.755 also eliminates an outdated fee schedule that became irrelevant once TRL was implemented and could never be tied to license actions. Retailers often report confusion about which authority is issuing fines, and the current penalty structure—set by rule rather than statute and reflected in OAR 333-015-0262—provides clearer, more appropriate, and more proportional consequences for violations.

Concerns about fines on wholesalers:

Tobacco Retail Licensing is limited to retailers in statute. OHA has no authority to fine wholesalers.

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Amendment Description (-1):

1. Adds an exemption for Cigars to the online sales prohibition. This conforms with current law.
2. Deletes the “without compensation” provision which would have applied to samples of tobacco products. OHA already has authority to do this in rule.
3. Deletes expanded rulemaking authority – this is unnecessary as OHA already has the rulemaking authority it needs to implement this bill.

Free Samples

Oregon’s free sample prohibition appears in Oregon’s Administrative Rules OAR 333-015-0257.

This rule was promulgated by the Oregon Public Health Authority. It applies to tobacco products and inhalant delivery systems. There is an exception though for free samples of smokeless tobacco in qualifying adult-only facilities. Oregon's Revised Statutes provide broad authority to enact such a provision.