

**Enrolled  
House Bill 2136**

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

CHAPTER .....

AN ACT

Relating to vending machines distributing tobacco products; amending ORS 167.402.

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

**SECTION 1.** ORS 167.402 is amended to read:

167.402. (1) **As used in this section, “vending machine” means a mechanical, electronic or similar device that, upon the insertion of tokens, money or another form of payment, dispenses tobacco products.**

[(1)] (2) *[No person having authority over such placement shall locate a vending machine from which]* **A person may not sell or dispense** tobacco products, as defined in ORS 431.840, *[in any form are dispensed in any place legally accessible to persons under 18 years of age except taverns and cocktail lounges, industrial plants, as defined in ORS 308.408, hotels and motels.]* **from a vending machine, except in an establishment where the premises are posted as permanently and entirely off-limits to minors under rules adopted by the Oregon Liquor Control Commission.**

[(2)] (3) Violation of subsection [(1)] (2) of this section is a Class B violation. Each day of violation constitutes a separate offense.

**Passed by House May 1, 2009**

**Received by Governor:**

**Repassed by House June 10, 2009**

.....M.,....., 2009

**Approved:**

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Chief Clerk of House

.....M.,....., 2009

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Speaker of House

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Governor

**Passed by Senate June 9, 2009**

**Filed in Office of Secretary of State:**

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President of Senate

.....M.,....., 2009

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Secretary of State