

# House Bill 2358

Sponsored by Representatives TOMEI, SCHAUFLER (Pre-session 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 **as introduced**.

Prohibits distribution of free samples of noncigarette tobacco products. Authorizes imposition of civil penalty for violation.

## A BILL FOR AN ACT

1  
2 Relating to distribution of samples of noncigarette tobacco products.

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

4 **SECTION 1. The Legislative Assembly finds that it is in the public interest to promote**  
5 **the health and well-being of the residents of this state by limiting, to the greatest extent**  
6 **possible, the consumption of tobacco products by persons under 18 years of age in Oregon.**  
7 **The prohibition of the distribution of free samples of noncigarette tobacco products serves**  
8 **this public purpose by restricting access to such products by limiting the opportunity of**  
9 **retailers or distributors of tobacco products to enter the market or to expand their market**  
10 **share in Oregon through such distributions or related unfair or anticompetitive practices.**  
11 **In addition, the prohibition of the distribution of free samples of noncigarette tobacco pro-**  
12 **ducts will eliminate a practice that makes it difficult for the state to enforce the imposition**  
13 **of state taxes on tobacco products and to enforce the laws prohibiting the sale of tobacco**  
14 **products to persons under 18 years of age.**

15 **SECTION 2. (1) A person may not distribute free samples of noncigarette tobacco pro-**  
16 **ducts in this state.**

17 **(2) As used in this section, "noncigarette tobacco products" means bidis, cigars, cheroots,**  
18 **stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco,**  
19 **snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos,**  
20 **shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms**  
21 **of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or**  
22 **otherwise, or both for chewing and smoking, and any other product containing tobacco that**  
23 **is intended for human consumption. "Noncigarette tobacco products" does not include ciga-**  
24 **rettes as defined in ORS 323.010.**

25 **SECTION 3. (1) The Director of Human Services may impose a civil penalty of not more**  
26 **than \$1,250 for each violation of section 2 of this 2009 Act.**

27 **(2) Civil penalties under this section shall be imposed in the manner provided by ORS**  
28 **183.745.**

29 **SECTION 4. All civil penalties recovered under section 3 of this 2009 Act shall be paid**  
30 **into the State Treasury and credited to the General Fund and are available for general gov-**  
31 **ernmental expenses.**

**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.

