

# Senate Bill 435

Sponsored by Senator MONNES ANDERSON, Representative TOMEI (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 tobacco products.

Punishes, for violation by distributing free samples of tobacco products to person under 21 years of age, by one year's imprisonment, \$6,250 fine, or both.

Imposes civil penalty for violation by distributing free samples of tobacco products to person 21 years of age or older.

## A BILL FOR AN ACT

Relating to samples of tobacco products; creating new provisions; and amending ORS 180.486.

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

**SECTION 1. (1) As used in this section, "tobacco products" means:**

**(a) Any form of tobacco intended for or prepared in a manner that is suitable for chewing or smoking;**

**(b) Tobacco water; or**

**(c) Electronic cigarettes.**

**(2) A person may not distribute free samples of tobacco products in this state.**

**SECTION 2. (1) Violation of section 1 of this 2011 Act by distributing free samples of tobacco products to a person under 21 years of age is a Class A misdemeanor.**

**(2)(a) For each violation of section 1 of this 2011 Act by distributing free samples of tobacco products to a person who is 21 years of age or older, the Director of Human Services may impose a civil penalty of not more than \$1,250.**

**(b) Civil penalties under this subsection shall be imposed as provided in ORS 183.745.**

**(c) Civil penalties recovered under this subsection shall be paid into the State Treasury and credited to the General Fund.**

**SECTION 3. ORS 180.486 is amended to read:**

180.486. (1) A person may not:

(a) Sell, offer for sale or possess for sale in this state smokeless tobacco products of a tobacco product manufacturer that is not included in the directory developed under ORS 180.477;

(b) Sell, offer for sale or possess for sale in this state smokeless tobacco products of a tobacco product manufacturer that the person acquired at a time when the tobacco product manufacturer was not included in the directory developed under ORS 180.477;

(c) Possess in this state for sale in another jurisdiction smokeless tobacco products of a tobacco product manufacturer that the person acquired at a time when the tobacco product manufacturer was not included in the directory developed under ORS 180.477 and was not in compliance with the Smokeless Tobacco Master Settlement Agreement qualifying statute in the other jurisdiction or with statutes that supplement the qualifying statute in that jurisdiction; or

(d) Distribute, in this state, free samples of smokeless tobacco products[:]

**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        *[(A) To persons under 21 years of age; or]*

2        *[(B) In any area, unless access by persons under 21 years of age to that area is prohibited].*

3        (2) A person who sells, offers for sale, distributes, acquires, holds, owns, possesses, transports,  
4 imports or causes to be imported smokeless tobacco products that the person knows or should know  
5 are intended for sale or distribution in violation of subsection (1) of this section commits a Class  
6 A misdemeanor.

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