

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

House Committee on Human Services and Housing

**REVENUE: May have revenue impact, statement not yet issued****FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO: None****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Cheyenne Ross, Administrator**Meeting Dates:** 2/5

**WHAT THE MEASURE DOES:** Expands applicability of laws governing minors' access to, possession, and use of tobacco products, to include vapor products. Extends applicability of laws governing adult use of tobacco products in public places, to include vapor products (Oregon Indoor Clean Air Act, public meetings, places of employment, hospitals). Expands prohibition against smoking in motor vehicles with child present, to include vaping. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Distinguishing between HB 4073 and HB 4115; HB 4115 broader of the two
- Universal support of prohibitions applicable to minors
- Businesses already voluntarily restrict sales to adults only
- Strong preference for HB 4073 among adult consumers and businesses
- Electronic cigarettes as an alternative to “step-down”/away from traditional cigarettes
- Electronic cigarettes as a smoking cessation tool
- Sub-culture of consumers
- No scientific certainty with regard to health effects
- Some electronic cigarette devices may not reasonably be confused with traditional cigarettes; however, the look and experience of using the device mimics smoking
- Split-second demonstration of ignition had distinctive sound, vapor (visually indistinguishable from smoke) and obvious/detectable odor, even from 10 feet away
- If electronic cigarettes are banned, consumers will return to cigarettes and no alternative will exist for new users
- Whether labeling/nicotine content is accurate

**EFFECT OF COMMITTEE AMENDMENT:**

*[-1 amendment]* Makes adjustment to capture electronic smoking devices and solutions designed for use with same, within scope of measure. Removes language referring to vaping in statutes governing certification of smoke shops.

*[-2 amendment]* Incorporates -1 amendment. Permits vaping in smoke shops certified prior to passage of measure.

*[-3 amendment]* Incorporates -1 amendment. Permits vaping in shops that sell only vapor products.

*[-4 amendment]* Incorporates -1 amendment. Combines -2 and -3 to permit vaping in previously-certified smoke shops and shops that sell only vapor products.

*[-5 amendment]* Adds definition of “electronic smoking device” and rewords existing definition of vapor products.

*[-7 amendment]* Incorporates -1 amendment. Permits vaping in shops where at least 98% of gross revenues are from related sales and no tobacco products are sold.

*[-8 amendment]* Incorporates -1 amendment. Permits vaping in shops where at least 95% of gross revenues are from related sales and no tobacco products are sold.

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***This summary has not been adopted or officially endorsed by action of the committee.***

**BACKGROUND:** Electronic cigarettes are battery-operated handheld devices that simulate smoking. They contain a heating element to convert liquid inside a replaceable cartridge, which may include nicotine, into a water-based mist or vapor for inhalation. The liquid may also contain other chemicals and/or be “flavored.” They do not produce smoke or other byproducts of burning tobacco that conventional cigarettes do. The primary design is rod-shaped: some designs may be confused with conventional cigarettes while others may not. Research into a wide range of surrounding concerns is generally inconclusive, including first and second-hand health effects for adults; children; the possibility of enabling new nicotine addicts; the potential as a smoking reduction or cessation tool for existing nicotine addicts; and the potential for misuse for delivery of controlled substances. About 27 states have at least prohibited the sale of electronic cigarettes to minors.

House Bill 4073 treats vapor products the same as tobacco products where minors are concerned, and goes further, to prohibit adults from vaping in other, primarily public places and places employment, and from vaping in motor vehicles if there is a child present.