

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

Senate Committee on Senate Health Care

**REVENUE: May have revenue impact, statement not yet issued****FISCAL: May have fiscal impact, statement not yet issued****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Zena Rockowitz, Administrator**Meeting Dates:** 3/23, 3/30

**WHAT THE MEASURE DOES:** Defines “characterizing flavor” as distinguishable taste or aroma other than tobacco or menthol. Defines “inhalant delivery system” as device used to deliver nicotine in form of vapor or aerosol to person inhaling from device. Defines “flavored inhalant delivery system” as component of an inhalant delivery system or substance in any form sold for purpose of being vaporized or aerosolized by inhalant delivery system, whether sold separately or not, manufactured to impart a characterizing flavor. Defines “flavored tobacco product” as tobacco product, or component of tobacco product manufactured to impart characterizing flavor. Prohibits sale, distribution, or allowance of sale of flavored tobacco product or flavored inhalant delivery system product. Directs Oregon Health Authority (OHA) to impose civil penalty of up to \$5,000 for each violation to deposit into OHA Fund. Permits OHA to adopt rules. Specifies OHA may adopt rules concerning random inspection of places that distribute tobacco products consistent with federal law or regulation relating to inspection. Permits Oregon Liquor Control Commission to assist OHA with duties. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Appeal and accessibility of flavored products to youth
- Alternative to traditional smoking
- Toxicology and safety

**EFFECT OF COMMITTEE AMENDMENT:** -1 Amendment: Removes prohibitions on inhalant delivery systems and flavored inhalant delivery systems.

**BACKGROUND:** In 2009, the U.S. Food and Drug Administration (FDA) banned the use of flavored additives (e.g., vanilla, orange, coffee) in cigarettes. The FDA regulation does not apply to other tobacco products, such as chewing tobacco, hookah tobacco, and electronic cigarettes. The FDA reports that flavored tobacco products are addictive and carry the same health risks to tobacco.