

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:** 2/9, 3/15, 4/13, 4/20

WHAT THE MEASURE DOES: Alters framework for conducting public health activities and providing services. Establishes Oregon Public Health Advisory Board. Requires Oregon Health Authority (OHA) to establish foundational capabilities to achieve health outcomes, adopt a statewide community health assessment, approve local plans for applying foundational capabilities, use incentives to encourage provision of public health services by local health departments. Establishes baseline amount to be invested in local public health activities. Creates duties of local health departments and governing bodies of local public health authorities. Requires local public health authority to adopt and update plan for foundational capabilities and seek funding. Requires governing body of local public health to approve local plan for foundational capabilities and programs and monitor progress of local public health authority. Provides mechanisms by which local health departments may implement provisions separately and at different times. Creates operative date of January 1, 2016. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Compliance with tobacco and nicotine restrictions
- Enforcement tool for sale to minors
- Health of inhalant delivery systems
- Attractiveness of non-traditional tobacco products to youth
- Sale of illegal tobacco products
- Impact on business revenue

EFFECT OF COMMITTEE AMENDMENT:

-5 Amendment: Replaces measure. Requires premises where person makes retail sales of tobacco products and inhalant delivery systems to be licensed by Oregon Liquor Control Commission (OLCC). Requires retailers to have a physical address. Prohibits retailers from being 1,000 feet from a school. Requires imposition of fees on licensees that are reasonably calculated to pay for administering provisions of Act. Prohibits certain types of retail sales of tobacco products and inhalant delivery systems, including the selling of products for free, nominal fee or reduced price and the use of coupons for tobacco products and inhalant delivery systems. Permits sampling of inhalant delivery systems at premises when business is 75 percent of revenue is from inhalant delivery systems, when no tobacco or alcohol is sold and no one under 18 may enter. Permits OLCC to work with Oregon Health Authority (OHA) to administer and enforce. Establishes Tobacco Control Fund and continuously appropriates moneys in fund to OLCC for purposes of administering provisions of Act. Permits aerosolizing or vaporizing without cannabinoids on premises with certain criteria. Becomes operative January 1, 2016. Specifies that local government can adopt additional licensing requirement for retail sale of tobacco products or inhalant delivery systems, or can adopting ordinances or rules that restrict retail sale of tobacco products or inhalant delivery systems. Declares emergency, effective on passages

-6 Amendment: Raises legal age for possession of tobacco to 21 years of age. Prohibits sales of tobacco products or inhalant delivery products to persons under 21 years of age. Creates offense of selling tobacco products or devices to person under 21 years of age. Declares emergency; effective on passage.

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

BACKGROUND: Oregon is one of eight states that do not require a license to sell tobacco. Licensure is a method to better understand who sell tobacco and “inhalant delivery systems” (e-cigarettes) in Oregon. Additionally, inhalant delivery systems are unregulated in Oregon. Currently, a person must be 18 years of age or over to possess tobacco products in Oregon. It is a Class D violation for a person under 18 years of age to have tobacco products, including cigarettes, cigars, chewing tobacco, and cut tobacco leaf.