

STAFF MEASURE SUMMARY**Senate Committee On Judiciary****Fiscal:** No Fiscal Impact**Revenue:** Revenue impact issued**Action Date:** 04/20/15**Action:** Do Pass With Amendments And Requesting Referral To Finance And Revenue. (Printed A-Engrossed.)**Meeting Dates:** 03/09, 04/20**Vote:**

Yeas: 4 - Burdick, Gelser, Kruse, Prozanski

Nays: 1 - Thatcher

Prepared By: Channa Newell, Counsel**WHAT THE MEASURE DOES:**

Prohibits shipment or transportation of cigarettes or smokeless tobacco products purchased through mail, telephone, or computer by person selling such products for profit to anyone within state unless shipment is to distributor or retailer. Excludes shipment or transportation by freight forwarder or motor carrier. Requires face-to-face transactions for retail sale of tobacco products. Provides civil action enforcement authority to Attorney General. Allows execution of investigative demand by Attorney General for purposes of investigating violations of Act.

ISSUES DISCUSSED:

- Problems with hazardous cigarettes reaching market
- Sales of liquid nicotine
- Use of electronic cigarettes
- Challenges with age-verification delivery system

EFFECT OF COMMITTEE AMENDMENT:

Removes electronic cigarettes from provisions of measure. Clarifies that prohibition on shipment or transportation is limited to those engaged in business of selling tobacco products. Clarifies prohibition does not apply to freight forwarder or motor carrier. Narrows focus to products purchased or ordered through mail, computer network, telephone network, or other electronic network. Specifies that recipient of product must be a distributor or retailer.

BACKGROUND:

Under current Oregon law, all cigarettes and smokeless tobacco products sold by distributors and retailers must be listed on the Attorney General's directory of tobacco products. The directory, established in ORS 180.425, lists all tobacco product manufacturers who have current and accurate manufacturer certifications. Selling unlisted tobacco products is a Class A misdemeanor. Online sales of tobacco products may provide an avenue for unlisted products to reach consumers in Oregon.

Senate Bill 190 A prohibits sending cigarettes and smokeless tobacco products that are ordered online or via phone to anyone but a distributor or retailer. It also requires all retail sales to be face-to-face transactions and gives enforcement and investigation authority to the Attorney General.