

STAFF MEASURE SUMMARY**Senate Committee On Health Care****Fiscal:** Fiscal impact issued**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, 04/13, 04/20**Vote:**

Yeas: 3 - Monnes Anderson, Shields, Steiner Hayward

Nays: 2 - Knopp, Kruse

Prepared By: Zena Rockowitz, Committee Administrator**WHAT THE MEASURE DOES:**

Requires premises where person makes retail sales of tobacco products and inhalant delivery systems to be licensed by Oregon Liquor Control Commission (OLCC). Specifies that local government can adopt additional licensing requirement for retail sale, or can adopt ordinances or rules to restrict. Excludes retail sale of inhalant delivery system at medical marijuana facilities, unless retail sale contains component or substance that contains nicotine. Specifies qualified licensees have physical address, are not located at same address as residence and remain 1,000 feet from schools. Prohibits tobacco products and inhalant delivery systems to be sold for free, nominal fee or reduced price and use of coupons. Permits sampling of inhalant delivery systems at premises when 75 percent of business revenue is from inhalant delivery systems, 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. Requires OLCC to adopt rules. Creates civil penalties for violations. Establishes Tobacco Control Fund. Permits aerosolizing or vaporizing without cannabinoids on premises for business primarily engaged in selling inhalant delivery systems when not located at same address as residence, tobacco products or alcohol is not sold and no one under 21 may enter. Raises legal age for possession of tobacco to 21. Prohibits sales of tobacco products or inhalant delivery products to persons under 21. Creates offense of selling tobacco products or devices to person under 21. 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:

Replaces original measure.

BACKGROUND:

Tobacco is known to cause heart disease, diabetes, asthma and cancer and one in five deaths are associated with tobacco use. Most tobacco users start smoking before the age of 18. Inhalant delivery systems (electronic cigarette or vaporizers) have not been fully studied, and the Food and Drug Administration (FDA) has questioned the safety of these products. When the FDA analyzed samples of two popular brands, it found variable amounts of nicotine and traces of toxic chemicals, including known cancer-causing substances. This prompted the FDA to issue a warning about potential health risks.

Oregon is one of eight states that do not require a license to sell tobacco. Further, inhalant delivery systems are unregulated in Oregon. Licensure is a method to identify who sells tobacco and inhalant delivery systems and enforce tobacco laws by controlling where and how tobacco can be sold.

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.