

House Bill 2854

Sponsored by Representative WHISNANT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies offense of smoking in motor vehicle to clarify that offense applies to smoking marijuana and use of electronic cigarette to vaporize cannabinoid solutions.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to offenses committed in a motor vehicle when a person under 18 years of age is in the
3 motor vehicle; creating new provisions; amending ORS 811.193; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 811.193 is amended to read:

6 811.193. (1)(a) A person commits the offense of **vaporizing cannabinoids or** smoking in a motor
7 vehicle if the person **uses an electronic cigarette for the purpose of vaporizing cannabinoid**
8 **solutions or** smokes in a motor vehicle while a person under 18 years of age is in the motor vehicle.

9 (b) As used in this subsection[,]:

10 (A) **“Electronic cigarette” means a device that can be used to deliver cannabinoids in the**
11 **form of a vapor to a person inhaling from the device.**

12 (B) **“Smokes” means to inhale[,] or exhale[,] a substance contained in, or to burn or carry,**
13 **a lighted cigarette, cigar, pipe[, *weed, plant,*] or other product or device used to smoke tobacco,**
14 **marijuana, a regulated narcotic or other combustible substance.**

15 (2) Notwithstanding ORS 810.410, a police officer may enforce this section only if the police of-
16 ficer has already stopped and detained the driver operating the motor vehicle for a separate traffic
17 violation or other offense.

18 (3) Smoking in a motor vehicle is a:

19 (a) Class D traffic violation for a first offense.

20 (b) Class C traffic violation for a second or subsequent offense.

21 **SECTION 2. The amendments to ORS 811.193 by section 1 of this 2015 Act apply to con-**
22 **duct occurring on or after the effective date of this 2015 Act.**

23 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
25 **on its passage.**

26

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.