

**A-Engrossed**  
**Senate Bill 415**

Ordered by the Senate March 31  
Including Senate Amendments dated March 31

Sponsored by Senators MONNES ANDERSON, STEINER HAYWARD (Pre-session filed.)

**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.

Prohibits distributing, selling or allowing to be sold flavored tobacco products [*or flavored inhalant delivery system products*] in this state.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to flavored tobacco products; creating new provisions; amending ORS 431.853; and declar-  
3 ing an emergency.

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

5 **SECTION 1. (1) As used in this section:**

6 (a) **“Characterizing flavor” means a distinguishable taste or aroma other than tobacco**  
7 **or menthol.**

8 (b) **“Flavored tobacco product” means a tobacco product, or a component of a tobacco**  
9 **product, that has been manufactured to impart a characterizing flavor.**

10 (2) **A person may not distribute, sell or allow to be sold a flavored tobacco product in this**  
11 **state.**

12 (3) **The Oregon Health Authority may impose a civil penalty of up to \$5,000 for each vio-**  
13 **lation of this section. All moneys collected pursuant to this subsection shall be deposited in**  
14 **the Oregon Health Authority Fund established under ORS 413.101 and are continuously ap-**  
15 **propriated to the authority for the purpose of carrying out the duties, functions and powers**  
16 **of the authority under this section.**

17 (4) **The authority may adopt rules to implement this section.**

18 **SECTION 2. ORS 431.853 is amended to read:**

19 431.853. (1) The Oregon Health Authority shall:

20 (a) Coordinate with law enforcement agencies to conduct random, unannounced inspections of  
21 [*Oregon*] wholesalers and retailers of tobacco products to [*insure*] **ensure** compliance with [*Oregon*]  
22 **the laws of this state** designed to discourage the use of tobacco **products** by minors, including  
23 ORS 163.575, 163.580, 167.400, 167.402 and 431.840 **and section 1 of this 2015 Act**; and

24 (b) Submit a report describing:

25 (A) The activities carried out to enforce the laws listed in paragraph (a) of this subsection  
26 during the previous fiscal year;

27 (B) The extent of success achieved in reducing the availability of tobacco products to minors;  
28 and

**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.

1 (C) The strategies to be utilized for enforcing the laws listed in paragraph (a) of this subsection  
2 during the year following the report.

3 (2) The [*Oregon Health*] authority shall adopt rules concerning random inspections of places that  
4 **distribute or** sell tobacco products **that are** consistent with [*section 1921, Public Law 102-321,*  
5 *1992*] **any federal law or regulation relating to the inspection of such places.** The rules shall  
6 provide that inspections may take place:

7 (a) Only in areas open to the public;

8 (b) Only during **the** hours that tobacco products are [*sold or*] distributed **or sold**; and

9 (c) No more frequently than once a month in any single establishment unless a compliance  
10 problem exists or is suspected.

11 **(3) The Oregon Liquor Control Commission, pursuant to an agreement or otherwise, may**  
12 **assist the authority with the authority's duties under subsection (1)(a) of this section and**  
13 **the enforcement of section 1 of this 2015 Act.**

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

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