

Requested by HOUSE COMMITTEE ON REVENUE

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3296**

1 On page 1 of the printed bill, line 4, after “323.640,” insert “323.700,”.

2 On page 3, line 8, delete “or”.

3 Delete lines 9 and 10 and insert:

4 “(C) A food product derived from a plant in the family Solanaceae or any  
5 other fruit or vegetable product intended for human consumption as food;  
6 or

7 “(D) Any product that has been approved by the United States Food and  
8 Drug Administration for sale as a tobacco cessation product or for any other  
9 therapeutic purpose, if the product is marketed and sold solely for the ap-  
10 proved purpose.”.

11 In line 42, delete “No tobacco product shall be” and insert “A tobacco  
12 product or tobacco substitute is not”.

13 On page 9, line 12, after “product” insert “or tobacco substitute”.

14 In line 13, delete “shall not be” and insert “is not”.

15 After line 13, insert:

16 “**SECTION 19a.** ORS 323.700 is amended to read:

17 “323.700. As used in ORS 323.700 to 323.730:

18 “(1) ‘Consumer’ means an individual who is not a licensed distributor of  
19 tobacco or a licensed tobacco retailer.

20 “(2) ‘Delivery sale’:

21 “(a) Means a sale of tobacco to a consumer in this state in which:

1       “(A) The purchaser submits the order for the sale by means of a telephone  
2 or other method of voice transmission, a delivery service or the Internet or  
3 other online service; or

4       “(B) The tobacco is delivered by use of a delivery service.

5       “(b) Includes any sale of tobacco described in paragraph (a) of this sub-  
6 section, regardless of whether the seller is located within Indian country or  
7 is otherwise within or outside of this state.

8       “(c) Does not include any sale to a licensed distributor or licensed to-  
9 bacco retailer in this state.

10       “(3) ‘Delivery service’ means any person that is engaged in the commer-  
11 cial delivery of letters, packages or other containers.

12       “(4) ‘Indian country’ has the meaning given that term in 18 U.S.C. 1151.

13       “(5) ‘Legal minimum purchase age’ means the minimum age at which an  
14 individual may purchase tobacco in this state.

15       “(6) ‘Mail’ means the use of the United States Postal Service for delivery  
16 of letters, packages or other containers.

17       “(7) ‘Person accepting a purchase order for a delivery sale’ means a per-  
18 son who fills a tobacco purchase order given by a consumer and processes  
19 the order for mail, shipping or other delivery, or who contracts with another  
20 party to provide delivery service.

21       “(8) ‘Purchase order’ means a written or electronic document authorizing  
22 a seller to provide goods.

23       “(9) ‘Sale of tobacco to a consumer’ means any sale of tobacco to an in-  
24 dividual in this state, unless the individual is licensed as a distributor or  
25 retailer of tobacco by the Department of Revenue.

26       “(10) ‘Shipping container’ means a container in which tobacco is packaged  
27 in connection with a delivery sale.

28       “(11) ‘Shipping documents’ means bills of lading, airbills or any other  
29 documents used to evidence the undertaking by a delivery service to deliver  
30 letters, packages or other containers.

1       “(12) ‘Tobacco’ means cigarettes, as defined in ORS 323.010, or tobacco  
2 products **or tobacco substitutes**, as defined in ORS 323.500.”.

3       In line 15, delete “or tobacco substitutes”.

4       On page 13, line 2, after “323.640,” insert “323.700”.

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