

**HB 3436 A STAFF MEASURE SUMMARY****Carrier:** Rep. Marsh**House Committee On Revenue****Action Date:** 06/10/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-1-1**Yeas:** 5 - Findley, Marsh, Nathanson, Reschke, Smith Warner**Exc:** 1 - Smith G**Abs:** 1 - Hernandez**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Kaitlyn Harger, Economist**Meeting Dates:** 5/21, 6/10**WHAT THE MEASURE DOES:**

Adds to statute definitions of delivery sale, inhalant delivery system. Establishes requirements for delivery sellers of cigars or inhalant delivery systems including: independent third-party age verification, signed certification by the consumer verifying address, age, and knowledge that false reporting on the form is illegal, verification that the name on the customer verification matches the name on the check or card payment system, and a statement issued to the customer describing the illegality of underage sales of cigars and inhalant delivery systems. Provides the Oregon Health Authority (OHA) rulemaking authority for requirements related to delivery sale enforcement. Establishes penalties for violations of these delivery sale provisions. Sections 1 and 2 are operative on January 1, 2020. Allows OHA to take action prior to the operative date in order to prepare for implementation of this act. Takes effect on the 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Youth use of inhalant tobacco products
- Legality of online sales of tobacco depending on product type

**EFFECT OF AMENDMENT:**

Removes cigars from mailing requirements detailed in the bill.

**BACKGROUND:**

According to a recent statement by the Food and Drug Administration (FDA), between 2017 and 2018 underage use of e-cigarettes increase by 78% for high school students and 48% among middle school students. In response to this substantial increase in youth use of tobacco and related inhalant product use, federal and state policymakers began considering tactics to reverse this trend. The FDA launched a multi-pronged Youth Tobacco Prevention Plan, part of which reviews the online sales of e-cigarettes and youth access to these products.

Currently, the FDA is reviewing compliance policies related to flavored e-cigarette products sold online without third-party age verification processes. This measure attempts to address age-verification process for sales of cigars and inhalant delivery systems into Oregon.