

House Bill 3364

Sponsored by Representative SMITH DB (at the request of Kristy Sandez, Joe and Brenda Culley, Shelly Hall-Crobar)

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**.

Prohibits business, or employee of business, that sells canisters or other products from which individual may directly inhale restricted inhalant from selling or delivering canister or other product to individual who is under 18 years of age. Punishes by maximum of \$2,000 fine or, if at time of sentencing person has been convicted or sentenced during prior proceeding, 30 days' imprisonment, \$1,250 fine, or both. Specifies exception.

A BILL FOR AN ACT

1
2 Relating to restricted inhalants; amending ORS 475.390.

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

4 **SECTION 1.** ORS 475.390 is amended to read:

5 475.390. (1) **As used in this section, "restricted inhalant" means a breathable chemical**
6 **vapor or gas that when purposefully inhaled can, as a result of absorbing into the body one**
7 **or more of the following chemical substances, produce disorientation, depression,**
8 **hallucinogenic effects or cognitive or physical impairment:**

9 (a) **Nitrous oxide;**

10 (b) **1,1-Difluoroethane;**

11 (c) **1,1,1-Trifluoroethane;**

12 (d) **1,1,1,2-Tetrafluoroethane; or**

13 (e) **Other substances the Director of the Oregon Health Authority specifies by rule.**

14 [(1)] (2) A business that makes retail sales of [*nitrous oxide*] canisters **or other products** from
15 which an individual may directly inhale [*nitrous oxide*] **a restricted inhalant**, or an employee of the
16 business, may not sell or deliver a [*nitrous oxide*] canister **or other product** from which an indi-
17 vidual may directly inhale [*nitrous oxide*] **a restricted inhalant** to an individual who is under 18
18 years of age.

19 [(2)(a)] (3)(a) Except as provided in paragraph (b) of this subsection, violation of this section is
20 a Class A violation.

21 (b) Violation of this section is a Class C misdemeanor if at the time of sentencing the person
22 has been convicted and sentenced, during a prior proceeding, under this section.

23 [(3)] (4) This section does not apply to a business or employee who sells or delivers a [*nitrous*
24 *oxide*] canister **or other product** from which an individual may directly inhale [*nitrous oxide*] **a**
25 **restricted inhalant** if, before selling or delivering the [*nitrous oxide*] canister **or other product** to
26 an individual:

27 (a) The business or employee requires the individual to present one of the following pieces of
28 identification:

29 (A) A passport;

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 (B) A driver license, whether issued in this state or by another state;
 - 2 (C) An identification card issued under ORS 807.400;
 - 3 (D) An identification card issued by the United States military; or
 - 4 (E) Any other identification card issued by a state that bears a picture of the individual, the
5 name of the individual, the date of birth of the individual and a physical description of the individ-
6 ual;
 - 7 (b) The piece of identification presented establishes that the individual is 18 years of age or
8 older;
 - 9 (c) The piece of identification presented accurately describes the individual; and
 - 10 (d) If the piece of identification presented was falsified, a reasonable person would determine,
11 upon inspecting the piece of identification under the same or similar circumstances, that the piece
12 of identification was not altered and accurately describes the individual.
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