

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2848**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete pages  
2 2 and 3 and insert:

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

4 **“(a) ‘Delivery sale’ means a sale of an inhalant delivery system to**  
5 **a consumer in this state in which the consumer submits the order for**  
6 **the sale via telephone or other voice transmission, a delivery service**  
7 **or the Internet, regardless of where the seller is located.**

8 **“(b) ‘Inhalant delivery system’ has the meaning given that term in**  
9 **ORS 431A.175.**

10 **“(2) Prior to selling, offering for sale, giving or otherwise providing**  
11 **to a prospective consumer an inhalant delivery system in a delivery**  
12 **sale, a person who sells, offers to sell, gives or otherwise provides an**  
13 **inhalant delivery system shall:**

14 **“(a) Verify that the prospective consumer of the inhalant delivery**  
15 **system is at least 21 years of age by performing an age verification**  
16 **through an independent, third-party verification service that compares**  
17 **information available from public records to the personal information**  
18 **entered by the prospective consumer during the process of ordering**  
19 **the inhalant delivery system in a delivery sale;**

20 **“(b) Obtain from the prospective consumer a certification that in-**  
21 **cludes a written statement signed by the prospective consumer that:**

1       “(A) Certifies the prospective consumer’s address and that the pro-  
2       spective consumer is at least 21 years of age; and

3       “(B) Confirms that the prospective consumer understands that  
4       signing another person’s name to the certification is illegal, that the  
5       sale of inhalant delivery systems to individuals under 21 years of age  
6       is illegal and that the purchase of inhalant delivery systems by indi-  
7       viduals under 21 years of age is illegal;

8       “(c) Provide a notice to the prospective consumer, via electronic  
9       mail or other means, that meets the requirements of subsection (3)  
10      of this section; and

11      “(d) In the case of an order for an inhalant delivery system through  
12      an Internet website, receive payment for the delivery sale from the  
13      prospective consumer by a credit or debit card that has been issued in  
14      the name of the prospective consumer or by a personal check issued  
15      by the prospective consumer.

16      “(3) The notice required under subsection (2) of this section must  
17      include a prominent and clearly legible statement that sales of  
18      inhalant delivery systems:

19      “(a) To individuals who are under 21 years of age are illegal; and

20      “(b) Are restricted to those individuals who provide proof of age in  
21      accordance with subsection (2) of this section.

22      “(4) The Oregon Health Authority may adopt rules to carry out this  
23      section.

24      “SECTION 2. ORS 431A.178 is amended to read:

25      “431A.178. (1) The Oregon Health Authority may impose a civil penalty  
26      for each violation of ORS 431A.175 and section 1 of this 2019 Act. A civil  
27      penalty imposed under this section may not be less than \$250 or more than  
28      \$1,000.

29      “(2)(a) Amounts collected under subsection (1) of this section shall be  
30      deposited in the Oregon Health Authority Fund established under ORS

1 413.101. Except as provided in paragraph (b) of this subsection, moneys de-  
2 posited in the fund under this subsection are continuously appropriated to  
3 the authority for carrying out the duties, functions and powers of the au-  
4 thority under ORS 431A.175 and 431A.183 **and section 1 of this 2019 Act.**

5 “(b) At the end of each biennium, the authority shall transfer the unob-  
6 ligated moneys collected under subsection (1) of this section remaining in the  
7 fund to the Tobacco Use Reduction Account established under ORS 431A.153.

8 **“SECTION 3. (1) Section 1 of this 2019 Act and the amendments to**  
9 **ORS 431A.178 by section 2 of this 2019 Act become operative on January**  
10 **1, 2020.**

11 **“(2) The Oregon Health Authority may take any action before the**  
12 **operative date specified in subsection (1) of this section that is neces-**  
13 **sary to enable the authority to exercise, on and after the operative**  
14 **date specified in subsection (1) of this section, all of the duties, func-**  
15 **tions and powers conferred on the authority by section 1 of this 2019**  
16 **Act and the amendments to ORS 431A.178 by section 2 of this 2019 Act.**

17 **“SECTION 4. This 2019 Act takes effect on the 91st day after the**  
18 **date on which the 2019 regular session of the Eightieth Legislative**  
19 **Assembly adjourns sine die.”.**

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