

HB 4078 STAFF MEASURE SUMMARY

House Committee On Health Care

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Meeting Dates: 2/4, 2/6

WHAT THE MEASURE DOES:

Defines inhalant delivery systems as a device that can be used to delivery nicotine as a vapor or aerosol. Expands definition of “retailer” by including an individual that sells inhalant delivery systems. Prohibits the sale of inhalant delivery systems by mail, telephone, or the Internet. Declares an emergency, takes effect on passage.

REVENUE: Statement issued: no revenue impact.

FISCAL: Statement issued: minimal fiscal impact.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

According to the Public Health Law Center, between 1995 and 2006, 34 states enacted laws to regulate the sale of tobacco products through the Internet and mail order. In the past decade, Congress also has enacted federal legislation to regulate the sale and advertisement of tobacco products. More recently, states have passed legislation to regulate the retail sale, marketing, and use of e-cigarettes, which are sold in retail outlets and on the Internet. Such sales entail interstate commerce of tobacco products, which is regulated and enforced by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Oregon law does not currently prohibit the sale and receipt of tobacco products purchased through mail order or on the Internet from out-of-state sellers. Current law does require that an out-of-state seller verify that the purchaser meets the minimum age (21) prior to shipping any products and that the seller must use a shipping method that requires a signature and photo identification from the customer or another non-minor individual residing at the same address upon delivery. Furthermore, Oregon law requires all delivery sellers to obtain a distributor’s license prior to making delivery sales.

House Bill 4078 prohibits the sale of inhalant delivery systems by mail, telephone, or the Internet.