

Corrected

HB 4078 STAFF MEASURE SUMMARY

Carrier: Rep. Marsh

House Committee On Health Care**Action Date:** 02/06/20**Action:** Do Pass.**Vote:** 10-1-0-0**Yeas:** 10 - Alonso Leon, Drazan, Greenlick, Hayden, Keny-Guyer, Noble, Nosse, Prusak, Salinas, Schouten**Nays:** 1 - Moore-Green**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Oliver Droppers, LPRO Analyst**Meeting Dates:** 2/4, 2/6**WHAT THE MEASURE DOES:**

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

ISSUES DISCUSSED:

- Use of e-cigarettes and flavored vaping products among adolescents in Oregon
- Types of vaping devices; use of vaping devices as a cessation device for combustible tobacco products
- Potential health risks from vaping
- Remote sales of vaping products online and telephonically
- Online sales of vaping products with third-party verification for ID
- Existing state ban on remote sales of tobacco cigarettes
- Enforcement provisions of the measure; potential impact on black market
- Food and Drug Administration regulation of electronic nicotine delivery systems and cessation devices
- Governor Brown's Executive Order 19-06 and creation of Governor's Vaping Public Health Workgroup

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

According to the Public Health Law Center (2008), 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. States have recently 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.

Oregon law does 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, upon delivery requires a signature and photo identification from the customer or another non-minor individual residing at the same address upon delivery. Oregon law also 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.

This summary has not been adopted or officially endorsed by action of the committee.