

Requested by Senator KNOPP

**PROPOSED AMENDMENTS TO
HOUSE BILL 4078**

1 On page 1 of the printed bill, line 2, delete “and” and delete line 3 and
2 insert “, 180.451 and 431A.178; and prescribing an effective date.”.

3 On page 2, delete lines 40 through 45 and insert:

4 **“SECTION 4. (1) As used in this section:**

5 **“(a) ‘Delivery sale’ means the sale of an inhalant delivery system**
6 **to a consumer in this state in which the consumer submits the order**
7 **for the sale via the mail, telephone or other voice transmission, a de-**
8 **livery service or the Internet or other data transmission service, re-**
9 **gardless of where the seller is located.**

10 **“(b) ‘Inhalant delivery system’ has the meaning given that term in**
11 **ORS 180.405.**

12 **“(2) Notwithstanding ORS 180.441, the owner or employee of a retail**
13 **establishment that sells or offers to sell inhalant delivery systems**
14 **from a physical location to individuals for personal consumption may**
15 **ship or transport, or cause to be shipped or transported, an inhalant**
16 **delivery system sold by the retail establishment to an individual in a**
17 **delivery sale.**

18 **“(3) Prior to selling, offering for sale, giving or otherwise providing**
19 **to a prospective consumer an inhalant delivery system in a delivery**
20 **sale, a person who sells, offers to sell, gives or otherwise provides an**
21 **inhalant delivery system shall:**

1 “(a) Verify that the prospective consumer of the inhalant delivery
2 system is at least 21 years of age by performing age verification
3 through an independent, third-party verification service that compares
4 information available from public records to the personal information
5 entered by the prospective consumer during the process of ordering
6 the inhalant delivery system in a delivery sale;

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

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

11 “(B) Confirms that the prospective consumer understands that
12 signing another person’s name to the certification is illegal, that the
13 sale of an inhalant delivery system to an individual under 21 years of
14 age is illegal and that the purchase of an inhalant delivery system by
15 an individual under 21 years of age is illegal;

16 “(c) Provide a notice to the prospective consumer, via electronic
17 mail or other means, that meets the requirements of subsection (4)
18 of this section; and

19 “(d) In the case of an order for an inhalant delivery system through
20 the Internet or other data transmission service, receive payment for
21 the delivery sale from the prospective consumer by a credit or debit
22 card that has been issued in the name of the prospective consumer or
23 by a personal check issued by the prospective consumer.

24 “(4) The notice required under subsection (3) of this section must
25 include a prominent and clearly legible statement that sales of
26 inhalant delivery systems:

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

28 “(b) Are restricted to those individuals for whom proof of age is
29 verified in accordance with subsection (3) of this section.

30 “(5) The Oregon Health Authority may adopt rules to carry out this

1 **section.**

2 **“SECTION 5.** ORS 431A.178 is amended to read:

3 **“431A.178. (1)** The Oregon Health Authority may impose a civil penalty
4 for each violation of ORS 431A.175 **and section 4 of this 2020 Act.** A civil
5 penalty imposed under this section may not be less than \$250 or more than
6 \$1,000.

7 **“(2)(a)** Amounts collected under subsection (1) of this section shall be
8 deposited in the Oregon Health Authority Fund established under ORS
9 413.101. Except as provided in paragraph (b) of this subsection, moneys de-
10 posited in the fund under this subsection are continuously appropriated to
11 the authority for carrying out the duties, functions and powers of the au-
12 thority under ORS 431A.175 and 431A.183 **and section 4 of this 2020 Act.**

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

16 **“SECTION 6. (1)** Section 4 of this 2020 Act and the amendments to
17 ORS 180.405, 180.441, 180.451 and 431A.178 by sections 1 to 3 and 5 of this
18 2020 Act become operative on January 1, 2021.

19 **“(2)** The Oregon Health Authority may take any action before the
20 operative date specified in subsection (1) of this section that is neces-
21 sary to enable the authority to exercise, on and after the operative
22 date specified in subsection (1) of this section, all of the duties, func-
23 tions and powers conferred on the authority by section 4 of this 2020
24 Act and the amendments to ORS 180.405, 180.441, 180.451 and 431A.178
25 by sections 1 to 3 and 5 of this 2020 Act.

26 **“SECTION 7.** This 2020 Act takes effect on the 91st day after the
27 date on which the 2020 regular session of the Eightieth Legislative
28 Assembly adjourns sine die.”.

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