

Requested by Representative MCINTIRE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3090**

1 On page 1 of the printed bill, line 2, after “flavors” insert a period and
2 delete the rest of the line and delete line 3.

3 Delete lines 5 through 30.

4 Delete pages 2 and 3 and insert:

5 **“SECTION 1. Section 2 of this 2023 Act is added to and made a part
6 of ORS 167.750 to 167.780.**

7 **“SECTION 2. (1) As used in this section:**

8 **“(a)(A) ‘Characterizing flavor’ means an artificial or natural taste,
9 flavor, aroma or smell, other than the taste, flavor, aroma or smell
10 of tobacco, that is distinguishable or distinctive prior to or during
11 consumption, including but not limited to any taste, flavor, aroma or
12 smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa,
13 vanilla, honey or molasses or any candy, dessert, alcoholic beverage,
14 herb or spice.**

15 **“(B) ‘Characterizing flavor’ does not include the artificial or natural
16 taste, flavor, aroma or smell of cannabis.**

17 **“(b) ‘Flavored inhalant delivery system product’ means an inhalant
18 delivery system product that imparts a characterizing flavor.**

19 **“(c) ‘Flavored tobacco product’ means a tobacco product manufac-
20 tured to impart a characterizing flavor.**

21 **“(d)(A) ‘Inhalant delivery system’ means:**

1 “(i) A device that can be used to deliver cannabinoids or natural
2 or synthetic nicotine in the form of a vapor or aerosol to a person
3 inhaling from the device; or

4 “(ii) A component of a device described in this subparagraph or a
5 substance in any form sold for the purpose of being vaporized or
6 aerosolized by a device described in this subparagraph, whether the
7 component or substance is sold separately.

8 “(B) ‘Inhalant delivery system’ does not include:

9 “(i) Any product that has been approved by the United States Food
10 and Drug Administration for sale as a tobacco cessation product or for
11 any other therapeutic purpose, if the product is marketed and sold
12 solely for the approved purpose; and

13 “(ii) Tobacco products.

14 “(e) ‘Tobacco products’ means:

15 “(A) Any product that contains, is made from or is derived from
16 tobacco or natural or synthetic nicotine, such as bidis, cigars,
17 cheroots, stogies, periques, granulated, plug cut, crimp cut, ready
18 rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug
19 and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse
20 scraps, clippings, cuttings and sweepings of tobacco and other forms
21 of tobacco, prepared in a manner that makes the tobacco suitable for
22 chewing or smoking in a pipe or otherwise, or for both chewing and
23 smoking;

24 “(B) Cigarettes as defined in ORS 323.010 (1); or

25 “(C) A device that:

26 “(i) Can be used to deliver tobacco products to a person using the
27 device; and

28 “(ii) Has not been approved by the United States Food and Drug
29 Administration for sale as a tobacco cessation product or for any other
30 therapeutic purpose, if the product is marketed and sold solely for the

1 approved purpose.

2 “(2) It is unlawful for a person under 21 years of age to possess
3 flavored tobacco products or flavored inhalant delivery system pro-
4 ducts.

5 “(3) A person who violates subsection (2) of this section commits a
6 Class D violation.

7 “(4)(a) For a person under 18 years of age at the time the violation
8 of subsection (2) of this section occurs, the court may suspend the fine
9 to be imposed for the Class D violation on the condition that the per-
10 son, within 120 days of sentencing:

11 “(A) Complete 21 hours of community service with an entity ap-
12 proved by the court; and

13 “(B) Provide proof of completion to the court.

14 “(b) The court may schedule a hearing to determine whether the
15 person has successfully completed the community service.

16 “(c) If the person has successfully completed the requirements de-
17 scribed in paragraph (a) of this subsection, the court shall enter a
18 sentence of discharge. Notwithstanding ORS 153.021, a sentence of
19 discharge imposed under this paragraph may not include a fine.

20 “(d) If the person has not successfully completed the requirements
21 described in paragraph (a) of this subsection, the court shall:

22 “(A) Grant the person an extension based on good cause shown; or

23 “(B) Impose the fine for the Class D violation.

24 “SECTION 3. Section 2 of this 2023 Act applies to conduct occurring
25 on or after the effective date of this 2023 Act.”.

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