

Enrolled Senate Bill 1571

Sponsored by Senator REYNOLDS; Senators JAMA, NERON MISSLIN, PATTERSON, SOLLMAN, Representatives ANDERSEN, HUDSON, ISADORE, PHAM H, WATANABE (Presession filed.)

CHAPTER

AN ACT

Relating to consumer products for adults; amending ORS 431A.175; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 431A.175 is amended to read:

431A.175. (1) As used in this section and ORS 431A.183:

(a)(A) "Inhalant delivery system" means:

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

(ii) A component of a device described in this subparagraph or a substance in any form sold for the purpose of being vaporized or aerosolized by a device described in this subparagraph, whether **or not** the component or substance is sold separately [*or is not sold separately*].

(B) "Inhalant delivery system" does not include:

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

(ii) Tobacco products.

(b) "Nicotine" means any form of the chemical nicotine, regardless of whether the chemical is naturally or synthetically derived, including any salt, complex, alkaloid or analog of nicotine.

~~[(b)]~~ **(c)(A)** "Tobacco products" means:

~~[(A)]~~ **(i) Any product that contains or is made or derived from tobacco or nicotine and that is likely to be used for human consumption by any means, including in the forms of bidis, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other forms of tobacco, prepared in a manner that makes the tobacco suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, oral nicotine pouches, nicotine lozenges and other products that contain nicotine;**

~~[(B)]~~ **(ii)** Cigarettes as defined in ORS 323.010 (1); or

~~[(C)]~~ **(iii)** A device that:

~~[(i)]~~ **(I)** Can be used to deliver tobacco products to a person using the device; and

~~[(ii)]~~ **(II)** Has not been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose.

(B) “Tobacco products” does not include an article that is food, as defined in ORS 616.205, if the article does not contain nicotine or contains no more than trace amounts of naturally occurring nicotine.

(2) It is unlawful to:

(a) [To] Violate ORS 167.755.

(b) [To] Fail as a retailer of tobacco products to post a notice substantially similar to the notice described in subsection (3) of this section in a location that is clearly visible to the seller and the purchaser of the tobacco products.

(c) [To] Fail as a retailer of inhalant delivery systems to post a notice in a location that is clearly visible to the seller and the purchaser of the inhalant delivery systems that it is unlawful to sell inhalant delivery systems to persons under 21 years of age. The Oregon Health Authority shall adopt by rule the content of the notice required under this paragraph.

(d) [To] Distribute, sell or allow to be sold an inhalant delivery system if the inhalant delivery system is not labeled in accordance with rules adopted by the authority.

(e) [To] Distribute, sell or allow to be sold an inhalant delivery system if the inhalant delivery system is not packaged in child-resistant safety packaging, as required by the authority by rule.

(f) [To] Distribute, sell or allow to be sold an inhalant delivery system if the inhalant delivery system is packaged in a manner that is attractive to minors, as determined by the authority by rule.

(g) [To] Distribute, sell or allow to be sold cigarettes in any form other than a sealed package that contains at least 20 cigarettes.

(3) The notice required by subsection (2)(b) of this section must be substantially as follows:

NOTICE

The sale of tobacco in any form to persons under 21 years of age is prohibited by law. Any person who sells, or allows to be sold, tobacco to a person under 21 years of age is in violation of Oregon law.

(4) Rules adopted under subsection (2)(d), (e) and (f) of this section must be consistent with any regulation adopted by the United States Food and Drug Administration related to labeling or packaging requirements for inhalant delivery systems.

SECTION 2. This 2026 Act takes effect on the 91st day after the date on which the 2026 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by Senate February 20, 2026

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House March 2, 2026

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Julie Fahey, Speaker of House

Received by Governor:

.....M,....., 2026

Approved:

.....M,....., 2026

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2026

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Tobias Read, Secretary of State