

# Senate Bill 1571

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

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act changes some laws that apply to products with tobacco or nicotine. (Flesch Readability Score: 63.4).

Adds definition of "nicotine" and expands definition of "tobacco products."

Repeals existing criminal prohibition on the sale of inhalant delivery systems or tobacco products to a person under 21 years of age and replaces the repealed law with a civil prohibition enforced by the Oregon Health Authority. Authorizes imposition of civil penalties for violations.

Establishes a civil prohibition on providing, without compensation, inhalant delivery systems or tobacco products.

Authorizes the authority to adopt rules to administer certain laws that apply to inhalant delivery systems and tobacco products.

Requires any sale of tobacco products, cigarettes, inhalant delivery systems or smokeless tobacco products to occur in person at licensed premises.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to consumer products for adults; amending ORS 180.441, 431A.175 and 431A.183; repealing ORS 167.750 and 167.755; and prescribing an effective date.

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

## TOBACCO PRODUCTS AND INHALANT DELIVERY SYSTEMS

**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.**

[(b)] (c) "Tobacco products" means:

**(A) Any product that contains, is made from or is derived from tobacco or nicotine that**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **is intended or likely to be used for human consumption by any means, including but not**  
 2 **limited to** bidis, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed  
 3 and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other  
 4 chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other  
 5 forms of tobacco[, *prepared in a manner that makes the tobacco suitable for chewing or smoking in a*  
 6 *pipe or otherwise, or for both chewing and smoking*] **and oral nicotine pouches, nicotine lozenges**  
 7 **and other products containing nicotine;**

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

9 (C) A device that:

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

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

14 (2) It is unlawful:

15 [(a) To violate ORS 167.755.]

16 **(a) To distribute, sell or offer for sale in this state tobacco products or inhalant delivery**  
 17 **systems to a person under 21 years of age. A business entity or person who is an owner of**  
 18 **a business entity that is engaged in the retail sale of tobacco products or inhalant delivery**  
 19 **systems violates this paragraph if the owner or an employee, agent or other representative**  
 20 **of the business entity distributes, sells or offers for sale tobacco products or inhalant deliv-**  
 21 **ery systems to a person under 21 years of age.**

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

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

29 (d) To distribute, sell or [allow to be sold] **offer for sale in this state** an inhalant delivery  
 30 system if the inhalant delivery system is not labeled in accordance with rules adopted by the au-  
 31 thority.

32 (e) To distribute, sell or [allow to be sold] **offer for sale in this state** an inhalant delivery  
 33 system if the inhalant delivery system is not packaged in child-resistant safety packaging, as re-  
 34 quired by the authority by rule.

35 (f) To distribute, sell or [allow to be sold] **offer for sale in this state** an inhalant delivery sys-  
 36 tem if the inhalant delivery system is packaged in a manner that is attractive to minors, as deter-  
 37 mined by the authority by rule.

38 (g) To distribute, sell or [allow to be sold] **offer for sale in this state** cigarettes in any form  
 39 other than a sealed package that contains at least 20 cigarettes.

40 **(h) To distribute, offer or otherwise provide, without compensation, tobacco products or**  
 41 **inhalant delivery systems.**

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

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44 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]* **offers for sale**, tobacco to a person under 21 years of age is in violation of Oregon law.

**(4) The authority may adopt rules necessary for the administration of ORS 431A.175, 431A.178 and 431A.183.**

~~[(4)]~~ **(5)** 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.

## PROHIBITED SHIPPING AND IN-PERSON SALE REQUIRED

**SECTION 2.** ORS 180.441 is amended to read:

180.441. (1)(a) A person engaged in the business of selling **tobacco products as defined in ORS 431A.175**, cigarettes, inhalant delivery systems or smokeless tobacco products for profit may not ship or transport, or cause to be shipped or transported, **tobacco products as defined in ORS 431A.175**, cigarettes, inhalant delivery systems or smokeless tobacco products ordered or purchased by mail or telephone or through a computer or other electronic network to any person in this state other than a distributor or retailer.

(b) Paragraph (a) of this subsection does not apply to a freight forwarder or motor carrier, as those terms are defined in 49 U.S.C. 13102, as in effect on August 8, 2017, or an air carrier, as defined in 49 U.S.C. 40102, as in effect on August 8, 2017.

(2) A retailer may not sell **tobacco products as defined in ORS 431A.175**, cigarettes, inhalant delivery systems or smokeless tobacco products unless the retailer or an employee of the retailer makes the sale to the purchaser in person as part of a face-to-face exchange **that occurs on premises, as defined in ORS 431A.190, that are licensed under ORS 431A.198 or an ordinance, rule or resolution adopted by a local government as defined in ORS 174.116.**

(3) A person may not knowingly provide substantial assistance to a person that is violating subsection (1) or (2) of this section.

## CONFORMING AMENDMENTS

**SECTION 3.** ORS 431A.183 is amended to read:

431A.183. (1)(a) The Oregon Health Authority may enter into an agreement with federal agencies to assist the authority in monitoring and enforcing federal laws and regulations related to tobacco products or inhalant delivery systems.

(b) The authority may commission employees of the authority as federal officers for the purpose of carrying out the duties prescribed under an agreement entered into under paragraph (a) of this subsection.

(c) The authority may adopt rules and take any action necessary to carry out the authority's duties as established under an agreement entered into under paragraph (a) of this subsection.

(2)(a) The authority may enter into an agreement with federal, state and local government agencies, including federal, state and local law enforcement agencies, to assist the authority in carrying out the authority's duties under ORS 431A.175 and to conduct random, unannounced in-

1 inspections of wholesalers and retailers of tobacco products or inhalant delivery systems to ensure  
2 compliance with the laws of this state designed to discourage the use of tobacco products and  
3 inhalant delivery systems by persons under 21 years of age, including ORS [167.755,] 167.760, 167.765,  
4 167.770, 167.775, 167.780 and 431A.175.

5 (b) The authority shall ensure that a retailer is inspected as described in this subsection at least  
6 once each year. A retailer that is found to be out of compliance with the laws described in para-  
7 graph (a) of this subsection may be reinspected as the authority determines necessary.

8 (c) The authority may adopt rules to carry out paragraph (b) of this subsection.

9 (3)(a) If the authority enters into an agreement with the Department of State Police under sub-  
10 section (2) of this section, the department may employ retired state police officers who are active  
11 reserve officers. Service by a retired state police officer under this paragraph is subject to ORS  
12 238.082.

13 (b) The department may not use the services of a retired state police officer to displace an ac-  
14 tive state police member.

15 (4)(a) The authority may apply for and accept moneys from the federal government or other  
16 public or private sources and, in accordance with any federal restrictions or other funding source  
17 restrictions, use those moneys to carry out the duties and functions related to preventing the use  
18 of tobacco products or inhalant delivery systems by persons who are not of the minimum age to  
19 purchase tobacco products or inhalant delivery systems.

20 (b) Moneys received by the authority under paragraph (a) of this subsection shall be deposited  
21 in the Oregon Health Authority Fund established under ORS 413.101. Moneys subject to a federal  
22 restriction or other funding source restriction must be accounted for separately from other fund  
23 moneys.

24 (5)(a) The authority shall submit a written report each biennium to the Governor and to the  
25 appropriate committee or interim committee of the Legislative Assembly to which matters of public  
26 health are assigned.

27 (b) The report submitted under this subsection must contain information describing:

28 (A) The activities carried out to enforce the laws listed in subsection (2) of this section during  
29 the previous biennium;

30 (B) The extent of success achieved in reducing the availability of tobacco products and inhalant  
31 delivery systems to persons under 21 years of age; and

32 (C) The strategies to be utilized for enforcing the laws listed in subsection (2) of this section  
33 during the biennium following the report.

34 (6) The authority shall adopt rules for conducting random inspections of establishments that  
35 distribute or sell tobacco products or inhalant delivery systems. The rules shall provide that in-  
36 spections may take place:

37 (a) Only in areas open to the public;

38 (b) Only during the hours that tobacco products or inhalant delivery systems are distributed or  
39 sold; and

40 (c) No more frequently than once a month in any single establishment unless a compliance  
41 problem exists or is suspected.

42  
43 **REPEALS**

44  
45 **SECTION 4. ORS 167.750 and 167.755 are repealed.**

**CAPTIONS**

**SECTION 5. The unit captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.**

**EFFECTIVE DATE**

**SECTION 6. 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.**

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