

LC 446: Protecting Youth by Closing Tobacco Prevention Loopholes

Young people in Oregon will live healthier lives when we fix tobacco laws that allow nicotine products to be legally sold to children.

Loopholes in Oregon Tobacco Laws Put Youth at Risk of Addiction and Lifelong Health Problems

Current Oregon laws protect young people by prohibiting the sale of tobacco products and inhalant delivery systems (“e-cigarettes” or “vapes”) to youth under 21 years old.

However, the tobacco industry continues to [create highly addictive nicotine products that they market to youth](#). To get around state laws, tobacco companies pivoted to synthetic oral nicotine products, such as nicotine pouches, gums, tablets, and gummies, with flavors such as mint, fruit and cinnamon.

Synthetic nicotine is created in a lab rather than derived from tobacco leaves. It is just as addictive and harmful as tobacco-derived nicotine but evades Oregon's definition of tobacco products. The evolving nicotine product landscape and predatory marketing practices entice youth to become addicted, lifelong customers.

Key tobacco prevention loopholes in Oregon law include:

- Oregon laws are silent on synthetic oral nicotine products and thus allow retailers to sell them to youth under 21 years old. This puts youth and young adults at [risk for addiction](#) and [lifelong health problems](#).
- Synthetic oral nicotine products are not taxed or regulated, which makes them cheaper and easier to get. This is an important factor because youth are less likely to buy tobacco products when they are more expensive.
- Oregon tobacco law requires all tobacco sales to be face-to-face, but a loophole in this law allows some types of businesses to make product deliveries. This makes it much more difficult to check the customer's age.

- Oregon has two sets of tobacco control laws in place – one for businesses, and one for individuals. OHA is charged with enforcing only the violations for businesses. But having two sets of laws makes it hard for business owners, staff, other enforcement programs, and the general public to understand the consequences of tobacco sales violations. Fair and equitable tobacco enforcement should ensure that businesses and the tobacco industry, not the youth they target, are the ones held accountable for violations.

Removing These Loopholes Will Protect Youth

This bill protects Oregon youth, and provides clear enforcement pathways for tobacco sales violations, by fixing state tobacco laws to:

- Amend the definition of tobacco products and inhalant delivery systems to include synthetic oral nicotine products.
- Close the face-to-face delivery loophole to ensure youth are unable to purchase tobacco products online and have them delivered.
- Clarify laws to prevent tobacco products and inhalant delivery systems from being prizes that youth can win in chance giveaway machines.
- Clarify OHA's independent authority to hold retailers responsible for tobacco violations and remove individual criminal penalties.
- Authorize OHA to adopt rules related to regulating tobacco sales that are related to public health and safety.

For more information:

Em Droge

Senior Policy Advisor

971-409-3449

Emily.Droge@oha.oregon.gov

You can get this document in other languages, large print, braille, or a format you prefer free of charge. Contact Sarah Herb at Sarah.Herb@oha.oregon.gov or (971) 372-9887 (voice/text). We accept all relay calls.