

Oregon

Smoking Restrictions

Overall Summary of Smoking Restrictions

No person shall smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument in a public place or place of employment, including restaurants, bars and non-tribal gaming establishments. 'Public place' means any enclosed indoor area open to the public. Smoking, aerosolizing or vaporizing an inhalant or carrying a lighted smoking instrument is also prohibited within 10 feet of entrances, exits, windows that open and ventilation intakes to public places and places of employment.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Exceptions to the Law

Exceptions to the law include: 1) up to 25 percent of hotel/motel rooms, 2) smoking of noncommercial tobacco products for ceremonial purposes in spaces designated for traditional ceremonies, 3) the smoking of tobacco products in smoke shops as specified and defined, including 75 percent of the gross revenues being devoted to off-premises consumption and use of tobacco products and products used to smoke tobacco products; older smoke shops and places that applied to become a smoke shop as of June 30, 2011 operate under different restrictions than new smoke shops, 4) the smoking of cigars in cigar bars as specified and defined and 5) a performer may smoke or carry a lighted smoking instrument that does not contain tobacco or marijuana and may aerosolize or vaporize a substance that does not contain nicotine or a cannabinoid while performing in a scripted stage, motion picture or television production under certain conditions.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Stronger Local Laws on Smoking

No specific provision concerning preemption in state law; local communities are allowed to pass stronger laws/ordinances further restricting smoking.

Government Buildings

By executive order, use of tobacco products is prohibited by state agency employees inside state agency buildings and the grounds adjacent to those buildings. Individuals are prohibited from smoking on the grounds adjacent to state agency buildings. The executive order does not apply to: 1) the Oregon University System or community colleges although putting in place policies to prohibit tobacco use on campus by December 31, 2014 is encouraged; 2) use of tobacco products in state employee residences located on state agency grounds; 3) use of tobacco products on state agency grounds maintained for the enjoyment of the public such as rest areas and beaches although putting in place policies to limit tobacco use in state parks and recreation areas by December 31, 2014 is encouraged; and 4) noncommercial tobacco products for ceremonial purposes. Properties wholly owned and leased by the state were scheduled to be tobacco-free by January 2013, shared properties and campuses by July 2013 and the Department of Corrections and Oregon Youth Authority properties

and campuses no later than December 31, 2014.

Exec. Order 2012-13 (2013).

To the extent not covered by the executive order above, smoking, aerosolizing or vaporizing an inhalant is prohibited in all places of employment, including all places of public employment. 'Place of employment' means every enclosed area under the control of a public or private employer that employees frequent during the course of employment, including but not limited to work areas, employee lounges, vehicles that are operated in the course of an employer's business that are not operated exclusively by one employee, rest rooms, conference rooms, classrooms, cafeterias, and hallways, meeting rooms, elevators and stairways.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Private Workplaces

Smoking, aerosolizing or vaporizing an inhalant is prohibited in all places of employment. 'Place of employment' means every enclosed area under the control of a public or private employer that employees frequent during the course of employment, including but not limited to work areas, employee lounges, vehicles that are operated in the course of an employer's business that are not operated exclusively by one employee, rest rooms, conference rooms, classrooms, cafeterias, and hallways, meeting rooms, elevators and stairways.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Schools

No student, staff member, or school visitor is permitted to smoke, inhale, dip, or chew or sell tobacco at any time, including non-school hours, in any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or on school grounds, athletic grounds or parking lots.

OR ADMIN. RULES 581-021-0110 (2006).

To the extent not covered by the restrictions above, smoking is prohibited in all public places, including educational facilities.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Oregon Head Start Pre-Kindergarten (OHS Pre-K) program participants, family members, staff members, visitors and all others are not permitted to smoke, inhale, dip, or chew or sell tobacco at any time, including non-school hours, when they are in the following environments: (a) In any building, facility, or vehicle owned, leased, rented, or chartered by an OHS Pre-K program; or (b) on any outdoor grounds, or portions thereof, that are wholly owned and/or operated by the OHS Pre-K program, including but not limited to playgrounds and parking lots. Staff and volunteers of any Head Start program must also avoid bringing or wearing clothing that smells of smoke into the center, on the playground, or in other areas where children are present. The new policy took effect January 1, 2009, and all OHS Pre-K programs were required to establish policies and procedures to implement and enforce this rule for Head Start participants, family members, staff, visitors, and all others.

Oregon Department of Education Policy Letter, 'Tobacco Free Environments,' issued 10/30/08 and effective 1/1/09.

Child Care Facilities

Smoking, aerosolizing or vaporizing an inhalant is prohibited in all public places and places of employment, including child care facilities. Home-based child care and adult day care facilities are specifically included in the definition of place of employment.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Children in the custody of the State Office for Services to Children and Families (SOSCF) shall not be exposed to secondhand smoke in the foster parent/relative caregiver's home or vehicle.

OR ADMIN. RULES § 413-200-0346(3)(b) (2001).

Health Care Facilities

The administrator or person in charge of a hospital may not permit a person to smoke tobacco or use an inhalant delivery system in a manner that creates an aerosol or vapor in the hospital; or within 10 feet of a doorway, open window or ventilation intake of the hospital. The Director of Oregon Health Authority may impose a civil penalty of not more than \$500 per day on a person for violation of this section. Civil penalties imposed against a person under this subsection may not exceed \$2,000 in any 30-day period.

OR. REV. STAT. § 441.815 (2015).

To the extent not covered by the restrictions above, smoking, aerosolizing or vaporizing an inhalant is prohibited in all public places and places of employment, including all other health care facilities.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Restaurants

Smoking, aerosolizing or vaporizing an inhalant is prohibited in all public places and places of employment, including restaurants.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Bars

Smoking, aerosolizing or vaporizing an inhalant is prohibited in all public places and places of employment, including bars/taverns. Smoking of cigars is allowed in cigar bars as defined, and as long as they generated on-site retail sales of cigars of at least \$5,000 for the calendar year ending December 31, 2006.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Private Vehicles

Smoking, aerosolizing or vaporizing is prohibited in motor vehicles while a person under 18 years of age is present in the motor vehicle. Smoking, aerosolizing or vaporizing in a motor vehicle is a Class D traffic violation for a first offense and a Class C traffic violation for a second or subsequent offense. A police officer may enforce this section only if the police officer has already stopped and detained the driver operating the motor vehicle for a separate traffic violation or other offense.

OR. REV. STAT. § 811.193 (2015).

Other State Smoking Restrictions and Provisions

Disclosure of Smoking Policy in Multi-Unit Housing:

The rental agreement for a dwelling unit regulated under Oregon Revised Statute chapter 90 must include a disclosure of the smoking policy for the premises on which the dwelling unit is located. The disclosure must state whether smoking is prohibited on the premises, allowed on the entire premises or allowed in limited areas on the premises. If the smoking policy allows smoking in limited areas on the premises, the disclosure must identify the areas on the premises where smoking is allowed. This does not apply to certain specified rental agreements as well as manufactured dwellings and floating homes as defined.

OR. REV. STAT. § 90.220 (4) (2011).

Penalties/Enforcement

An employer shall post signs notifying people of the above provisions. The Oregon Health Authority is responsible for adopting and implementing rules; and ensuring compliance with these rules. Violation of the above provisions and sign-posting requirements is punishable by a civil penalty of not more than \$500 per day for each violation. In public places the Oregon Health Authority regularly inspects they shall check for compliance. In other public places and places of employment the Authority shall respond to complaints notifying the proprietor or person in charge of the requirements of the law. If repeated complaints are received, the authority may take appropriate action to ensure compliance.

OR. REV. STAT. §§ 433.835 to 433.990 (2015).

Tobacco Taxes

Tax on Cigarettes

Tax rate per pack of 20: \$1.32

Date last changed: January 1, 2016 -- from \$1.31 to \$1.32

Year first enacted: 1966

OR. REV. STAT. §§ 323.030 (2014) & 323.031 (2004).

Note: On January 1, 2018, the cigarette tax will increase an additional cent under legislation approved in 2013.

H.B. 3601 (1st special session 2013) enacted 10/8/13 and parts effective 1/1/14, 1/1/16 & 1/1/18.

Use of Cigarette Tax Revenue - Summary

Cigarette tax revenue is first put into a suspense account and used for administration and enforcement of cigarette taxes. Then it is distributed primarily to the state general fund and Oregon Health Plan Fund although small amounts go cities and counties in the state, and other specified purposes. A small portion is used to fund the state tobacco prevention and cessation program.

OR. REV. STAT. § 323.455 (2014) & 323.457 (2003).

Use of Cigarette Tax Revenue - Detailed Information

The revenue from 58 cents of the cigarette tax is first deposited into a suspense account in the state Treasury, and used to reimburse the state Department of Revenue, state Police, and state Department of Justice for administration and enforcement of the tax. After the payment of administrative and enforcement expenses, 89.65 percent shall be credited to the General Fund, 3.45 percent is appropriated to the cities of this state, 3.45 percent is appropriated to the counties of this state and 3.45 percent is continuously appropriated to the Department of Transportation for the purpose of financing and improving transportation services for elderly and disabled individuals. Of the money going to the General Fund, 51.92 percent is dedicated to medical assistance under Oregon Revised statutes, chapter 414 and 5.77 percent is credited to the Tobacco Use Reduction Account.

OR. REV. STAT. § 323.455(1-4) (2014).

The revenue from 13 cents of the cigarette tax is also deposited in a suspense account in the state Treasury, and after payment of refunds is allocated 76.92 percent to the Oregon Health Authority Fund and the other 23.08 percent to the state general fund. Of the money going to the General Fund, 51.92 percent is dedicated to medical assistance under Oregon Revised statutes, chapter 414 and 5.77 percent is credited to the Tobacco Use Reduction Account.

OR. REV. STAT. § 323.455(5) (2014).

The revenue from the other 60 cents of the cigarette tax is first deposited into a suspense account in the state Treasury, and used to reimburse the state Department of Revenue, state Police, and state Department of Justice for administration and enforcement of the tax. After the payment of administrative and enforcement expenses, 97.9 percent is distributed to the Oregon Health Plan Fund, 0.467 percent is appropriated to the Department of Administrative Services for the cities of this state, 0.467 percent is appropriated to the Department of Administrative Services for the counties of this state, 0.467 is appropriated to the Department of Transportation to be transferred to the Elderly and Disabled Special Transportation Fund, and 0.7 percent is credited to the Tobacco Use Reduction Fund.

OR. REV. STAT. § 323.457 (2003).

Taxes on Other Tobacco Products

Cigars: 65% of the wholesale sales price of cigars, but not to exceed 50 cents per cigar;

Moist snuff: \$1.78/oz. except the minimum tax is \$2.14 per retail container;

All other tobacco products: 65% of the wholesale sales price.

OR. REV. STAT. § 323.505 (2014).

Note: For tax reporting periods beginning on or after July 1, 2022, the rates of tax applicable to moist snuff shall be adjusted for each biennium according to a cost-of-living adjustment for the calendar year as specified.

OR. REV. STAT. § 323.505(3) (2014).

Use of Other Tobacco Products Tax Revenue - Summary

Revenue from taxes on tobacco products other than cigarettes is first put into a suspense account and used for administration and enforcement of tobacco taxes. The remaining revenue is deposited in the state general revenue fund. A small portion of that money is dedicated to tobacco prevention and cessation programs.

OR. REV. STAT. § 323.625 (2010).

Use of Other Tobacco Products Tax Revenue - Detailed Information

The revenue from the taxes on other tobacco products is first deposited into a suspense account in the state Treasury, and used to reimburse the state Department of Revenue, state Police, and state Department of Justice for administration and enforcement of the tax. Remaining revenue is then credited to the General Fund where 41.54 percent is used for medical assistance under the Oregon Revised statutes, chapter 414 and 4.62 percent is credited to the Tobacco Use Reduction Account.

OR. REV. STAT. § 323.625 (2010).

Revenue Collected from Cigarette Taxes

Revenue collected in Fiscal Year 2012 (July 1, 2011 to June 30, 2012): \$203,487,000

Tobacco Control Program Funding

Source of funding

State funding for Oregon's tobacco prevention and cessation program comes from annual Master Settlement Agreement payments and tobacco tax revenue.

State Funding Details

Oregon allocated \$9,900,000 for tobacco prevention and cessation programs in FY2015 (July 1, 2014 to June 30, 2015). In FY2014, the same amount was appropriated. This is the second year of the FY2014-FY2015 biennium. FY2014-FY2015 Department of Human Services Biennial Budget (S.B. 5529) enacted and effective 7/25/13 (FY2014) & 7/1/14 (FY2015); FY2014-FY2015 Biennial Budget Adjustments (H.B. 5201) enacted 4/1/14 and effective 4/1/14 (FY2014) & 7/1/14 (FY2015); and S.B. 5543 enacted and effective 8/14/13.

Note: S.B. 5543 allocated an additional \$4 million to tobacco prevention and cessation programs over the FY2014-FY2015 biennium.

S.B. 5543 enacted and effective 8/14/13.

Tobacco Control Program Related Laws

The Tobacco Use Reduction Account was established in the General Fund. Amounts credited to the account are continuously appropriated to the Oregon Health Authority for the funding of prevention and education programs designed to reduce cigarette and tobacco use. The authority shall develop and adopt rules for awarding grants to programs for educating the public on the risks of tobacco use, including, but not limited to, educating children on the health hazards and consequences of tobacco use, and promoting enrollment in smoking cessation programs and programs that prevent smoking-related diseases including cancer and other diseases of the heart, lungs and mouth.

OR. REV. STAT. §§ 431.832 & 431.834 (1997).

Funding for Tobacco Control Programs

FY2015 State Funding for Tobacco Control Programs: \$9,900,000

FY2015 Federal Funding for State Tobacco Control Programs: \$1,292,567*

FY2015 Total Funding for State Tobacco Control Programs: \$11,192,567

Funding Level Recommended by CDC: \$39,300,000

Percentage of CDC-Recommended Level: 28.5%

*Includes regular and supplemental quitline funding from the Centers for Disease Control and Prevention and state youth access contract funding from the U.S. Food and Drug Administration.

Laws Restricting Youth Access to Tobacco Products

Compliance/Enforcement

The Oregon Health Authority shall coordinate with law enforcement agencies to conduct random, unannounced inspections of retailers and wholesalers of tobacco products or inhalant delivery systems as defined to ensure compliance with laws designed to discourage the use of such products by persons under age 18. The Oregon Health Authority shall adopt rules concerning such inspections that are consistent with any federal law or regulation relating in inspection of such places. The rules shall provide that inspection may only take place in areas open to the public and during the hours that tobacco products are sold or distributed, and shall not be more frequent than once a month in any single establishment unless a compliance problem exists or is suspected. The Oregon Liquor Control Commission, pursuant to an agreement or otherwise, may assist the authority with the authority's duties. A person under age 18 acting under the supervision of an adult may purchase, attempt to purchase or acquire tobacco products or an inhalant delivery system for the purpose of testing compliance with a federal law, state law, local law or retailer management policy limiting or regulating the delivery of such products to persons under age 18.

OR. REV. STAT. ANN. §§ 167.401 & 431.853 (2015).

The State Police Tobacco Law Enforcement Fund was established in the state treasury. The Oregon Health Authority can apply for funds from the federal government or other sources to be used by the Department of State Police to enforce laws designed to discourage use of tobacco products by persons under age 18. The Department of State Police would establish and administer a program employing retired state police officers to accomplish this.

OR. REV. STAT. ANN. §§ 181A.330 & 181A.335 (2012).

Penalties for Sales to Minors

It is unlawful to distribute, sell, or allow to be sold tobacco products or an inhalant delivery system as defined to a person less than 18 years of age. The Oregon Health Authority may impose a civil penalty of not less than \$250 or not more than \$1,000 for each violation.

OR. REV. STAT. ANN. §§ 431.840 & 431.845 (2015).

A person commits the offense of endangering the welfare of a minor if the person knowingly: 1) distributes, sells or allows to be sold tobacco in any form or an inhalant delivery system as defined to a person under 18 years of age; 2) Sells to a person under 18 years of age any device in which tobacco is burned and the principal design and use of which is directly or indirectly to deliver tobacco smoke into the human body. See list of specific devices in the statute for further details. Violation for most offenses is a Class A violation, but smoking/using marijuana from an inhalant delivery system is a Class A misdemeanor.

OR. REV. STAT. ANN. § 163.575 (2015).

Sign Posting Requirements

Notice shall be posted in a location clearly visible to the seller and purchaser that the sale of tobacco products to persons under 18 years of age is prohibited. The notice shall be substantially similar to the following: 'The sale of tobacco in any form to persons under 18 years of age is prohibited by law. Any person who sells, or allows to be sold, tobacco to a person under 18 years of age is in violation of Oregon law.' The Oregon Health Authority may impose a civil penalty of not less than \$250 or not more than \$1,000 for each violation.

OR. REV. STAT. ANN. §§ 431.840 & 431.845 (2015).

Notice shall be posted in a location clearly visible to the seller and purchaser that it is unlawful to sell inhalant delivery systems to persons under age 18. The Oregon Health Authority shall adopt by rule the content of the notice required. The Oregon Health Authority may impose a civil penalty of not less than \$250 or not more than \$1,000 for each violation.

OR. REV. STAT. ANN. §§ 431.840 & 431.845 (2015).

Restrictions on Sales of Bidi Cigarettes

The definition of 'tobacco products' includes bidis making it unlawful to knowingly distribute, sell or cause to be sold bidis to a person less than 18 years of age. Violation is a Class A violation punishable by a fine of \$100.

OR. REV. STAT. ANN. § 431.840 (2014).

Purchase/Possession of Tobacco Products by Minors

No person under 18 years of age shall purchase, attempt to purchase or acquire tobacco products or inhalant delivery systems. Except when such person under age 18 is in a private residence accompanied by the parent or guardian of the person and with the consent of such parent or guardian, no person under 18 years of age shall have personal possession of tobacco products or an inhalant delivery system. Any person who violates the above is guilty of a Class B violation. For the first offense, in lieu of any other penalty, the person may be ordered to participate in an education program about use of tobacco products or inhalant delivery systems or a cessation program for users of tobacco products or inhalant delivery systems or to perform community service related to diseases associated with using tobacco products or inhalant delivery systems. For a second violation, in addition to any other penalty, a person who is convicted through misrepresentation of age may be required to participate in an education or a cessation program or to perform community service as noted above, and the court shall order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year. This does not apply to minors involved in efforts to test compliance.

OR. REV. STAT. ANN. § 167.401 (2015).

It is unlawful for any person under the age of 18 to possess tobacco products or inhalant delivery systems. Any person who violates this law is guilty of a Class D violation.

OR. REV. STAT. ANN. § 167.400 (2015).

A facility, defined as a public or private school excluding campuses of higher education and youth correction or juvenile detention facilities, shall not permit any person under 18 years of age to possess tobacco products, or inhalant delivery systems while the person is present on facility grounds or in facility buildings or attending facility-sponsored activities. A facility must have a written policy prohibiting the possession of tobacco products and inhalant delivery systems by persons under 18 years of age under the conditions described above.

OR. REV. STAT. ANN. § 339.883 (2015).

Placement of Tobacco Products

A person having authority over the location of tobacco products or inhalant delivery systems in a retail store may not locate such products in a location in the store where the products are accessible by store customers without assistance by a store employee. This does not apply if the location at which the are sold is a store or other establishment at which persons under 18 years of age are prohibited. Violation is a Class B violation. Each day of violation constitutes a separate offense.

OR. REV. STAT. ANN. § 167.407 (2015).

Internet Sales of Tobacco Products

Prior to the first delivery of tobacco to a consumer relating to a delivery sale purchase order the person shall comply with specific age-verification requirements, including obtaining a certification from the prospective consumer and verifying the information against a commercially available database of government collected information and a photocopy of a government-issued identification; the requirement to get a cigarette or tobacco products distributor's license; specific disclosure requirements; specific shipping requirements, including use of a delivery service that requires a signature from the consumer or another adult of legal purchasing age upon delivery and proof, in the form of a government-issued identification; and specific reporting requirements. A first violation is subject to a fine of \$1,000 or five times the retail value of the tobacco involved, whichever is greater. A second violation is a \$5,000 fine or five times the retail value of the tobacco involved, whichever is greater. Knowingly violating this law or knowingly submitting a false certification under the name of another person is subject to a \$10,000 fine or five times the retail value of the tobacco involved, whichever is greater, or may be imprisoned for up to five years.

OR. REV. STAT. §§ 323.700 to 323.730 (2003).

Note: Some parts of this law may be affected by the U.S. Supreme Court decision in *Rowe v. New Hampshire Motor Transport Association*, decided February 20, 2008.

State Preemption of Local Youth Access Laws

Stronger local laws/ordinances further restricting youth access to tobacco products are generally allowed; state preemption only applies to tobacco product vending machines.

Photo Identification Requirements to Buy Tobacco Products

No state law/regulation.

Minimum Sales Age for Tobacco Products

18

Tobacco Product Samples/Minimum Sales Amounts for Tobacco Products

Tobacco Product Samples

A person may not distribute free samples of smokeless tobacco products to persons under 21 years of age or in any area unless access to persons under 21 years of age is prohibited. Violation is a Class A misdemeanor.

OR. REV. STAT. § 180.486(d) (2010).

Except as specified above, it is unlawful to distribute free tobacco products to persons under 18 years of age as part of a marketing strategy to encourage the use of tobacco products. Violation constitutes a civil penalty of between \$100 and \$500.

OR. REV. STAT. §§ 431.840 (2001) & 431.845 (1991).

Minimum Tobacco Products Sales Amounts

It is unlawful to distribute, sell or allow to be sold cigarettes in any form other than a sealed package. The Oregon Health Authority may impose a civil penalty of not less than \$250 or not more than \$1,000 for each violation.

OR. REV. STAT. §§ 431.840 & 431.845 (2015).

State Preemption of Local Samples Laws

Stronger local laws/ordinances further restricting sampling or minimum sales amounts of tobacco products are allowed; state preemption only applies to tobacco product vending machines.

Sales of Tobacco Products from Vending Machines

Vending Machine Placement

A person may not sell or dispense tobacco products or an inhalant delivery system as defined from a vending machine, except in an establishment where the premises are permanently and entirely off-limits to persons under age 18 under rules adopted by the Oregon Liquor Control Commission.

OR. REV. STAT. § 167.402 (2015).

Penalties for Vending Machine Violations

A person who violates the restrictions on placement of tobacco product or inhalant delivery system vending machines commits a Class B violation. Each day of violation is a separate offense.

OR. REV. STAT. § 167.402 (2015).

Sign Posting Requirements for Vending Machines

No state law/regulation.

State Preemption of Local Vending Machine Laws

Stronger local laws/ordinances further restricting the placement of and/or the required sign posting on tobacco product or inhalant delivery system vending machines are not allowed, see below.

Cities and counties by ordinance or resolution may not regulate vending machines that dispense tobacco products or inhalant delivery systems, as defined in Oregon Revised Statute section 431.840, in any form and that are in any manner accessible to minors.

OR. REV. STAT. § 167.404 (2015).

Licensing Requirements for Tobacco Products

Overall Summary of Licensing Requirements

Wholesalers and distributors must obtain a license to sell cigarettes from the Department of Revenue. A separate license is required for each place of business.

OR. REV. STAT. §§ 323.105 & 323.107 (2003).

License Fees

No fee for distributors; no fee specified for wholesalers.

OR. REV. STAT. §§ 323.105 & 323.107 (2003).

License Suspension for Sales to Minors

No provisions.

License Required for Retailers of Cigarettes

No

License Required for Retailers of Other Tobacco Products

No

License Required for Wholesalers/Distributors of Cigarettes

Yes

License Required for Wholesalers/Distributors of Other Tobacco Products

No

Smoking Protection Laws

Smoking Protection Law

It is an unlawful employment practice for any employer to require, as a condition of employment, that any employee or prospective employee refrain from using lawful tobacco products during non-working hours, except when the restriction relates to a bona fide occupational requirement. This section does not apply if an applicable collective bargaining agreement prohibits off-duty use of tobacco products. A civil action may be filed in circuit court for a violation.

OR. REV. STAT. §§ 659A.315 & 659A.885 (2005).

Advertising & Promotion

Advertising & Promotion

No state law/regulation.

Product Disclosure

Product Disclosure

No state law/regulation.

Divestment

Divestment

No state law/regulation.

Liability

Tobacco Industry Liability

In any civil action, against a tobacco product manufacturer, or against an affiliate or successor of a tobacco product manufacturer subject to the requirements of the Master Settlement Agreement, the supersedeas undertaking required as a condition of a stay of judgment throughout all appeals or discretionary appellate review, shall be established in the manner provided by the laws and court rules of this state applicable to supersedeas undertakings, but the amount of the supersedeas undertaking may not exceed \$150 million. If at any time after the posting of the supersedeas undertaking the court determines that a tobacco product manufacturer, affiliate or successor, outside of the ordinary course of its business, is purposely dissipating or diverting assets for the purpose of avoiding payment on final judgment in the action, the court may condition continuance of the stay on an order requiring that the tobacco product manufacturer, affiliate or successor post a supersedeas undertaking in an amount up to the full amount of the judgment.

OR. REV. STAT. § 19.312 (2003).

Use of Tobacco Settlement Dollars

Use of Tobacco Settlement Dollars - Summary

All monies received from the Master Settlement Agreement are deposited in a Tobacco Settlement Funds Account in the General Fund. A small amount is allocated to the Department of Justice in odd-numbered years to enforce laws related to the MSA. All other moneys in the account are appropriated as directed by the legislature.

OR. REV. STAT. § 293.537 (2003).

Use of Tobacco Settlement Dollars - Detailed Information

The Tobacco Settlement Funds Account is established as an account in the General Fund. Except as specified otherwise, the account shall consist of all moneys received from the Master Settlement Agreement (MSA) between the state of Oregon and certain cigarette companies. On July 1 of each odd-numbered year, an amount requested by the state Department of Justice to enforce certain laws is transferred to a Tobacco Enforcement Fund. All other moneys in the account are appropriated as directed by the legislature.

OR. REV. STAT. § 293.537 (2003).

The Health Care Trust Fund was established in the state Treasury. The trust fund shall consist of moneys from the MSA as directed by the legislature. Earnings on the trust fund are appropriated to the Department of Administrative Services to be used only for the purpose of financing health programs.

OR. REV. STAT. § 293.540 (2001).

Fire Safety Standards for Cigarettes

Law Setting Fire Safety Standard for Cigarettes

To help prevent cigarette-caused fires, a person may not distribute or offer to sell a cigarette within Oregon unless the cigarette is of a variety the state Fire Marshal has determined to have reduced ignition propensity. For a cigarette to be determined to have reduced ignition propensity, it must meet the ignition propensity testing requirements in Oregon Revised Statute section 476.770. A cigarette manufacturer must also submit a written certification with specific requirements outlined in Oregon Revised Statutes section 476.780. The cigarette packages deemed to meet the standard must also be marked pursuant to Oregon Revised Statute section 476.785.

OR. REV. STAT. §§ 476.755 to 476.806 (2008).

Penalties for Fire Safety Violations

The state Fire Marshal may impose a civil penalty for violation. For a person that distributes or offers to sell cigarettes to a wholesale or retail dealer, \$10,000 or five times the wholesale invoice cost of the cigarettes involved in the violation, whichever is greater. For a person that distributes or offers to sell not more than 1,000 cigarettes to consumers, \$500, and for a distribution or offer of more than 1,000 cigarettes, \$1,000 or five times the retail value of the cigarettes involved in the violation, whichever is greater. For a continuing violation, each day that a person distributes or offers to sell cigarettes after being notified by the state Fire Marshal is a separate violation subject to civil penalty.

OR. REV. STAT. §§ 476.755 to 476.806 (2008).

Preemption

Summary of all Preemptive Tobacco Control Laws

Stronger local laws/ordinances concerning tobacco product vending machines are not allowed.

Activity

Recent Legislative Activity

Tobacco Control Program Funding: Allocated \$9,900,000 for tobacco prevention and cessation programs in FY2015. FY2014-FY2015 Department of Human Services Biennial Budget (S.B. 5529) enacted and effective 7/25/13 (FY2014) & 7/1/14 (FY2015); FY2014-FY2015 Biennial Budget Adjustments (H.B. 5201) enacted 4/1/14 and effective 4/1/14 (FY2014) & 7/1/14 (FY2015); and S.B. 5543 enacted and effective 8/14/13.

Tobacco Sales to Minors Laws: Changes penalties for selling tobacco products or tobacco-related devices to persons under age 18 to a violation meaning it is considered an offense rather than a crime.

S.B. 1546 enacted and effective 3/3/14.