

Senate Bill 754 Frequently Asked Questions

Q: When does the law go into effect?

A: Senate Bill 754 became law upon the signature of Governor Kate Brown on August 9, 2017. The law applies to conduct occurring on or after January 1, 2018 and enforcement activities will begin on that date.

Q: Who enforces the minimum age of sale law?

A: The Oregon Health Authority Public Health Division is authorized to enforce the minimum age of tobacco sales law and coordinates with the Oregon State Police to conduct state sponsored compliance inspections.

Q: Why is raising the minimum sale age for tobacco products and inhalant delivery systems from 18 to 21 important?

A: Raising the age will prevent kids from starting to use tobacco.

- The earlier kids start using tobacco, the more at risk they are for chronic disease including heart disease, asthma and cancer.
- Most addiction to tobacco starts in adolescence. Most adults who smoke report that they started smoking before turning 18, and almost all start before they turn 26.
- Raising the legal age of sale for tobacco products to 21 is projected to reduce smoking rates and reduce tobacco-related death.

Q: What is considered a tobacco product? (ORS 431A.175*)

A: Tobacco products are:

1. 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;
2. Cigarettes;
3. Devices that can be used to deliver tobacco to the person using the device.

Q: What is an inhalant delivery system? ([ORS 431A.175](#))

A: "Inhalant delivery system" means:

1. 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
2. A component of a device...or a substance in any form sold for the purpose of being vaporized or aerosolized by a device,... whether the component or substance is sold separately or is not sold separately.

Q: Are people ages 18, 19 and 20 grandfathered in? That is, can they still purchase and use tobacco products or inhalant delivery systems?

A: No. There are no exceptions for sales of tobacco products or inhalant delivery systems for those 18, 19, and 20 years old.

Q: What about possession of tobacco products and inhalant delivery systems? ([ORS 167.400](#))

A: There currently is no violation for people ages 18, 19 and 20 to possess tobacco products or inhalant delivery systems. It is unlawful for a person under 18 years of age to possess tobacco products or inhalant delivery systems.

Q: Are members of the military ages 18, 19 and 20 grandfathered in? That is, can they still purchase and use tobacco products or inhalant delivery systems?

A: No. There are no exceptions for sales and use of tobacco products or inhalant delivery systems to military members ages 18, 19 and 20.

Q: Are clerks under the age of 21 permitted to sell tobacco products and inhalant delivery systems?

A: Yes. The law does not specify an age requirement for retail clerks.

Q: I sell glass pipes and other smoking paraphernalia. May I sell these items to people under the age of 21? (ORS 431A.175*)

A: No. Senate Bill 754 amended the definition of tobacco products to include “a device that can be used to deliver tobacco products to a person using the device.” It is illegal to knowingly distribute, sell or allow to be sold, devices that can be used to deliver tobacco to the person under the age of 21 using the device.

Q: I sell glass pipes and other smoking paraphernalia. May people under the age of 21 enter my store? (ORS 167.407*)

A: Yes, however all tobacco products (which include devices that can be used to smoke tobacco) and inhalant delivery systems must be in a location where they are NOT accessible by customers without the assistance of a store employee. Retail locations that restrict entry to those at least 21 years old do not have this requirement.

Q: Are retailers required to post signs with updated sales age requirements?

A: Yes. All retailers that sell tobacco products or inhalant delivery systems must display a sign clearly stating that the sale of tobacco products and inhalant delivery systems to persons under the age of 21 is prohibited by law. The Oregon Health Authority provides signs for download at www.healthoregon.org/tobaccoretailsales.

Q: What can I do if I see a retailer selling to someone I know is under 21 years of age?

A: You can send an email with the business name, address and any other helpful information to Tobacco.Inspections@state.or.us

Q: Where can I go to find out more about Tobacco 21 in Oregon?

A: You can learn more by visiting the following pages:

- Oregon Health Authority-Public Health Division Tobacco Prevention: Retail Environment page: <http://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCPREVENTION/Pages/retailenvironment.aspx>
- Oregon Health Authority-Public Health Division Tobacco Retail Sales page: www.healthoregon.org/tobaccoretailsales

*Note that these ORS do not yet incorporate changes made upon the passage of Senate Bill 754. Read the [enrolled version of Senate Bill 754](#) for full text.