Oregon Grade Card

Population Covered: 4,217,737
Tobacco 21 Since: August 9, 2017

TOBACCO eighteen twenty-one

The Preventing Tobacco Addiction Foundation evaluated all current statewide Tobacco 21 laws for their alignment with best practices that lead to effective prevention of youth initiation of tobacco and nicotine products.

ENFORCEMENT — GRADE: F

Designated Enforcement Agency
Best Practice: Health Department or Designated Agency
Oregon Enforcement: Oregon Health Authority is the designated enforcement agency with local law enforcement support

Age Verification
Best Practice: Before distributing any tobacco product, the tobacco retailer or the tobacco retailer's agent or employee shall verify that the purchaser is at least 21 years of age. Each tobacco retailer or tobacco retailer's agent or employee shall examine the purchaser's government-issued photographic identification if the purchaser appears to be under 30 years of age.
Oregon Enforcement: It is illegal to knowingly sell to a person under 21 years of age; however, there are no specific requirements for ID verification

Who is the Penalty Placed on?
Best Practice: The primary burden for sales to underage purchasers should fall on the retailer who is profiting from the sales of the product and not the purchaser or non-management employee.
Oregon Enforcement: Penalty is placed on the "Person"

Number of Compliance Checks
Best Practice: Provide authority for the state, county, or municipality to inspect tobacco retailers for compliance with MLSA 21 and a mandated minimum number of annual compliance checks. Model recommends two per year for every tobacco retail establishment.
Oregon Enforcement: Compliance checks are done at random with no specified annual minimum

Compliance Checks Done With Underage Decoys Aged 18-20
Best Practice: The designated agency shall conduct compliance checks by engaging persons between the ages of 18 and 20 to enter the tobacco retail establishment to attempt to purchase tobacco products.
Oregon Enforcement: Decoy to be under the age of 21 with no specified minimum age

LICENSING — GRADE: F

Statewide Tobacco Retail License
Best Practice: A comprehensive tobacco retail license allows states and municipalities to regulate all tobacco retailers, fund enforcement programs, and create a penalty structure that suspends or revokes a license for retailers that continue to violate a MLSA 21 law.
Oregon Licensing: Although Oregon does not have a statewide Tobacco Retail License, many localities have or are working on creating a Tobacco Retail License with robust enforcement

Tobacco Retail License Program Funds Enforcement
Best Practice: The fee for a tobacco retail sales license shall be set and used to cover the administrative cost for licensing administration, education and training, retail inspections, and unannounced compliance checks. The tobacco retail sales license fee should not exceed the cost of the regulatory program authorized beyond the statute/ordinance.
Oregon Licensing: Oregon does not have a statewide Tobacco Retail License

Tobacco Retail License Fee

Best Practice: An effective licensing system requires tobacco retailers to pay an annual license fee and allows it to be periodically adjusted. Fee must be adequate to cover License administration, education/training, and enforcement. An annual fee of lower than $300 is generally inadequate to fund a licensing program.

Oregon Licensing: Oregon does not have a statewide Tobacco Retail License

PENALTIES — GRADE: **C**

Penalty Type

Best Practice: Establish a civil penalty structure for violations rather than a criminal penalty structure.

Oregon Penalties: Oregon has a civil penalty structure

Violation Accrual Period

Best Practice: 36 months

Oregon Penalties: Oregon does not specify length of violation accrual period

Monetary Penalty and Suspension Structure

Best Practice: 1st violation = $500
2nd violation = $750 and (7) day suspension
3rd violation = $1,000 and (30) day suspension
4th violation = $1000 and (3) year suspension

Oregon Penalties: Describe penalty and suspension
Structure: 1st Violation = $500 fine
2nd Violation = $500 fine
3rd Violation = $1,000 fine
4th Violation = $1,000 fine
Manager/Supervisor: 1st Violation = $250 fine
2nd Violation = $250 fine
3rd Violation = $500 fine
4th Violation and subsequent offenses = $500 fine
Individual seller: Fine not to exceed $50 fine
No mandatory suspension or revocation of license included in the penalty structure

Does the Law Penalize Youth for Purchase, Use or Possession

Best Practice: An evidence-based, best practices tobacco MLSA 21 policy should focus penalties on the tobacco retailer who profits from the illegal sale rather than the youth who is likely addicted to the product. PUP laws may be unlikely to reduce youth smoking significantly.

Oregon Penalties: Oregon penalizes youth for possession of tobacco products

PREEMPTION — GRADE: **A**

Does Preemption exist, was it added, or expanded

Best Practice: Local governments have a critical role in reducing the deadly toll of tobacco by regulating sales and restricting youth access to these products to prevent use and addiction. Tobacco 21 legislation should not introduce new tobacco control preemption, nor expand existing tobacco control preemption, and instead should be used as an opportunity to assert local authority or repeal existing tobacco control preemption.

Oregon Preemption: Oregon does not have existing preemption

DEFINITIONS — GRADE: **F**

Definitions

Best Practice: A comprehensive definition will cover all current, known tobacco and nicotine products, which include not only cigarettes, cigars, and smokeless tobacco, but also products like pipes, rolling papers, electronic smoking devices, and other related devices. A strong definition will also be broad enough to capture future products.

Oregon Definitions: Oregon's Tobacco 21 law does not include a single comprehensive definition of tobacco, but does define products separately and regulates all products within their minimum legal sales age