

Raising the legal sales age of tobacco to 21 years old Frequently Asked Questions

On August 9, 2017, Governor Kate Brown signed Senate Bill 754 (Tobacco 21) into law. This law raised the required minimum age for a person to legally buy or obtain tobacco products, inhalant delivery systems, and tobacco product devices, from 18 years old to 21 years old. Starting January 1, 2018 businesses cannot sell tobacco or vape products and inhalant delivery systems to anyone under the age of 21 years old.



Q: When does the law go into effect?

A: The law applies to conduct occurring on or after **January 1, 2018** and enforcement activities will begin on or after that date.

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. Vape products like e-liquids or juice, containing nicotine or no-nicotine
 4. Devices that can be used to deliver tobacco to the person using the device
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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, no-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.
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Q: Who enforces the minimum age of sale law?

A: Various agencies at the County, State, and Federal level are authorized to enforce the minimum age of tobacco sales law. These include:

- County: Multnomah County Tobacco Control and Prevention Program (will begin youth inspections in late January 2018), businesses will be notified of the inspection results after these inspections
- State: Oregon Health Authority Public Health Division (works with the Oregon State Police to conduct state sponsored compliance inspections)
- Federal: Food and Drug Administration

Q: Can clerks under the age of 21 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 to a person under 21, devices that can be used to deliver tobacco to the person using the device. Lighters are not considered tobacco, vape product, or smoking paraphernalia meaning this product can be stored on the counter and sold to people under 21 years old.

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

A: Yes, but 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. This means all tobacco and vape products must be behind the counter, or in a locked container customers cannot easily access. Retail locations that do not allow anyone under 21 years old to enter do not have to follow this rule.

Q: Can I keep tobacco products and inhalant delivery systems on the counter?

A: No. The ONLY exception is if your store restricts entry to people at least 21 years or older. If anyone under the age of 21 years old can enter your store, you need to keep all tobacco products and inhalant delivery systems behind the counter, or in a locked container customers cannot easily access.

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 if I suspect a customer is buying tobacco products or inhalant delivery systems for someone under 21 years old?

A: You have the right to deny a sale to anyone in your store.

Q: What can I do if I know about a retailer illegally selling tobacco to someone underage?

A: You can send an email or call with the business name, address and any other helpful information to:
hlth.tobacco.prevention@multco.us
503-988-4163

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 (or carry) tobacco products or inhalant delivery systems. It is unlawful for a person under 18 years of age to have tobacco products or inhalant delivery systems.

Q: Are people ages 18, 19 and 20 grandfathered in? 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: Why is raising the minimum legal sales 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 teenage years. Most adults who smoke report that they started smoking before turning 18 years old, 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 and disease.
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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/TOBACCOPREVENTION/Pages/retailenvironment.aspx>
 - Oregon Health Authority-Public Health Division Tobacco Retail Sales page:
www.healthoregon.org/tobaccoretailsales
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Q: How can I get materials about Tobacco 21 translated in another language?

A: Contact Multnomah County Tobacco Control and Prevention Program:

Do you need help with translation?

For free translation, contact us at 503-988-4163 or hlth.tobacco.prevention@multco.us

¿Necesita servicios de traducción?

Para recibir una traducción gratuita, contáctenos en al 503-988-4163 o escriba a hlth.tobacco.prevention@multco.us.

한국어 번역이 필요하시다고요?

503-988-4163 번으로 전화하시거나 hlth.tobacco.prevention@multco.us 로 연락하시면 무료로 번역 서비스를 받으실 수 있습니다.

Quý vị có cần trợ giúp bản dịch?

Để nhận được bản dịch miễn phí, liên hệ chúng tôi theo số 503-988-4163 hoặc hlth.tobacco.prevention@multco.us.

是否需要翻译帮助?

如需免费翻译服务, 请联系我们, 电话: 503-988-4163 或电子邮件: hlth.tobacco.prevention@multco.us。

Ma u baahan tahay in laga caawiyo turjumida?

Wixii la xiriira turjumaad lacag la'aan ah, nagala soo xiriir 503-988-4163 ama hlth.tobacco.prevention@multco.us.

Вам нужна помощь с переводом?

Чтобы получить бесплатный перевод, свяжитесь с нами по тел. 503-988-4163 или по эл. почте hlth.tobacco.prevention@multco.us.

Contact us:

Multnomah County Tobacco Control and Prevention
Program

847 NE 19th Avenue, Suite #350

Portland, OR 97232

hlth.tobacco.prevention@multco.us

503-988-4163

*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.