Legislative Wrap Up and Next Steps

TPEP Webinar

July 29, 2015

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Oregon Health Authority

PUBLIC HEALTH DIVISION
Center for Prevention and Health Promotion

Learning Objectives

- At the end of this presentation, participants will be able to:
  - Describe outcomes from the 2015 Legislative Session
  - Discuss concrete next steps for implementing HB 2546
  - Understand how marijuana regulation intersects with ICAA revisions

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Good News!
HB 2546

- In May 2015, Gov. Brown signed a law regulating e-cigarettes that:
  - Expands the Oregon Indoor Clean Air Act (ICAA) to make it illegal to use e-cigarettes and other inhalant delivery systems in workplaces, restaurants, bars and other indoor public spaces in Oregon, as of Jan. 1, 2016.
  - Prevents the sale to people under 18, effective May 27, 2015.

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Legislative Wrap Up

Passed

- HB 2546
  - Inhalant Delivery Systems (IDS) in ICAA
  - No IDS sales to minors
- HB 2969
  - Food and drink in smoke shops
- TMSA Funding

Died

- SB 416
  - Smoke shop fees
- TRL
- SB 415
  - Flavored Tobacco
- SB 715
  - Minimum Legal Sales Age (MLSA) to 21

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Oregon's E-cigarette Law – HB 2546

- Defined "inhalant delivery systems"
  - IDS are devices that can be used to deliver nicotine, cannabinoids and other substances, in the form of a vapor or aerosol.
  - These include e-cigarettes, vape pens, e-hookah and other devices. These are not considered tobacco products under the new law.
- Prohibits the use of e-cigarettes and other inhalant delivery systems in workplaces, restaurants, bars and other indoor public places. There are no exemptions for electronic cigarette retail outlets, smoke shops, bars or other venues.
- The law bans the sale, purchase or use of electronic cigarettes for those under the age of 18.
- The law gives the Oregon Health Authority rule-writing authority for child resistant packaging, labeling, and packaging that is not attractive to minors.
- Also closed other ICAA loopholes – definition of enclosed area; inhalants
- OHA report on FDA regulations and medical research

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Definition

Defines “inhalant delivery system”

(A) “Inhalant delivery system” means:

(i) 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

(ii) **A component of a device** described in this subparagraph or a substance in any form sold for the purpose of being vaporized or aerosolized by a device described in this subparagraph, whether the component or substance is sold separately or is not sold separately.

(B) “Inhalant delivery system” does not include:

(i) Any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose; and

(ii) **Tobacco products.**

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States & Municipalities with Laws Regulating Use of Electronic Cigarettes

American Nonsmokers' Rights Foundation

July 2015

Note: American Indian and Alaska Native sovereign tribal laws are not reflected on this map.

Territories and Commonwealths

Commonwealth of Northern Mariana Islands

Guam

American Samoa

Puerto Rico

U.S. Virgin Islands

WA, OR, CA, NV, ID, MT, WY, UT, AZ, CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, MI, IN, OH, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, PA, NY, VT, NH, ME, MA, CT, RI, NJ, DE, MD, HI, AK

Please note, this document shows the number of places, not the number of laws. Some places have multiple laws. Please visit our lists page at www.no-smoke.org/lists.html to see information by law in chart format.

Locality Type

- City
- County

State and Commonwealth/Territory Law Type

- Law Restricts E-cigarette Use in 100% Smokefree Venues
- No E-cigarette Restriction in 100% Smokefree Venues
- E-cigarette Use Law enacted but not yet in effect

Next steps?

Administrative Rules & ICAA Implementation

Set 1: Related to the ICAA

- Timeline: Final rules by December 24, 2015 (statute is effective 1/1/2016)
- Content: All aspects related to the ICAA
  a. Related to HB 2546 and ORS 433.835 to ORS 433.875 (inclusion of inhalant delivery systems in the ICAA)
  b. Related to HB 2969 and ORS 433.847 (food and drinks in smoke shops)
  c. General ICAA clarifications

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Set 2: Related to the Packaging, Labeling and Marketing of Inhalant Delivery Systems

- Timeline: Final rules by July 1, 2016 (statute is effective immediately)
- Content: Aspects of the electronic cigarette law that are not related to the ICAA.
  a. Inhalant delivery systems (IDS) must be labeled in accordance with rules adopted by OHA
  b. Child resistant safety packaging for IDS
  c. Packaging for IDS in a manner that is not attractive to minors
  d. Packaging and labeling must be in consistent with FDA requirements
  e. Sales to Minors Notice

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Administrative Rules

- Minimum of 3 RAC meetings for each set
  - Set 1: ICAA
    Goal date=1/1/2016
  - Set 2: Packaging/Labeling
    Goal date =7/1/2016
- RAC Meetings: 8/6, 8/26, 9/11
- File the Notice with SOS: 10/15
- **Public Hearings: 11/16, 11/8, 11/20, 11/24**
- **Public Comment Period Closes: 11/30**
- Complete responses to comments: 12/9
- File final rules with the SOS and Legislative Counsel: 12/24/15
- New Laws: 1/1/2016 (ICAA); 7/1/2016 (Packaging, Labeling, Marketing)

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ICAA Rules Advisory Committee (RAC)

Last Name	First Name	Organization
Hartstein	Sara	Benton County Public Health
Jouni	Rami	Oregon Hookah Association
Mack	Letitia	Oregon Health Authority – Addictions and Mental Health
Minahan	Matt	NW Vapor Association
Nyssen	Carrie	American Lung Association of the Mt. Pacific
Phillips	Tanya	Jackson County Public Health
Pritchard	Penny	Deschutes County Public Health
Rodriguez	Luis	American Cancer Society Action Network
Steward	Susan	Building Managers Association

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Packaging and Labeling RAC

Last Name	First Name	Organization
Baker	Jen	Oregon Nurses Association
Dresser	Courtney	Oregon Medical Association
Giffin	Sandy	Oregon Poison Control Center
Hartstein	Sara	Benton County Public Health
Hopper	Lindsey	PacificSource Government Programs
Mack	Letitia	Oregon Health Authority – Addictions and Mental Health
Miller	Shawn	NW Grocery Association/Miller & Associates
Minahan	Matt	NW Vapor Association
Nyssen	Carrie	American Lung Association of the Mt. Pacific
Phillips	Tanya	Jackson County Public Health
Pritchard	Penny	Deschutes County Public Health
Rodriguez	Luis	American Cancer Society Action Network
Rood	Sandra	Oregon Pediatric Society
Sweet	Jesse	Oregon Liquor Control Commission - Retail Marijuana Program
Wright	Becky	Multnomah County Public Health

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Opportunities to be Involved

Grantees:

- Participate in RAC (if appointed)
- Attend public hearings
- Submit written comments
- Actively participate in webinars and trainings
- Implement new law in their communities
  - Education and awareness
  - Enforcement
- Serve as conduit to businesses

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Questions so far?

HB 2546 Implementation Plan

- July
  - AMH Merchant Education Materials
- August/September
  - RACs
- October/November
  - Public hearings and public comment period for rules
    - Pendleton: 11/16, Portland:11/18, Medford: 11/20, Bend: 11/24
  - Update ICAA website
  - Revise citation checklist
  - Revise ICAA forms
  - WEMS updates
- December
  - TPEP webinar
  - Targeted media to affected businesses
- January 1, 2016- ICAA portion of law goes into effect

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Signs

NO SMOKING OR VAPING
WITHIN 10 FEET
Under Oregon's Smokefree Workplace Law this business is smokefree (ORS 433.835-870, effective January 1, 2009). Smoking and vaping is not allowed within 10 feet of building entrances, exits, windows and air intake vents.
For information and complaints:
1-866-621-6107 or www.healthoregon.org/smokefree
Want to quit smoking?
1-800-QUIT-NOW (784-8669) or 1-877-2NO-FUME (Español)
SMOKEFREE oregon

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Marijuana Timeline

- July 1, 2015: retail marijuana legalized for possession.
  - Cannot smoke in public
  - No mechanism for enforcement (ICAA does not include marijuana)
- October 1, 2015: medical marijuana dispensaries will be able to sell retail marijuana, tax free
- January 1, 2016: All inhalants are prohibited in public places and workplaces (herbal hookah, marijuana, nicotine).
  - Follow same basic process
  - Updates to forms and WEMS
- January 4, 2015: OLCC will begin taking applications for growers, processors and retail outlets

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HPCDP Marijuana Touch points

TEW20

- Retail Marijuana Scientific Advisory Committee
- Communications Workgroup
- RAC Subcommittee on advertising and labeling
- White Paper on tobacco control analogs for packaging and labeling

Retail Marijuana:
http://www.oregon.gov/OLCC/Pages/index.aspx

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Slide 20

TEW20 Grantees might ask if they should be involved in tracking this, providing public comment. Just might want to be prepared for that type of question.

Tara E Weston, 7/22/2015

Questions?

WARNING
MISE EN GARDE
ADVERTENCIA
NOT place
rear-facing
child seat on
front seat with
air bag. DEATH
OR SERIOUS
INJURY can
occur. • The back
seat is the safest place for
children 12 and under.
• NE placez PAS un siège pour
enfant orienté vers à l'arrière du
véhicule sur un siège avant muni
d'un coussin gonflable. Des
BLESSURES GRAVES, voire
MORTELLES, pourraient
survenir. • LES places arrière
sont les plus sécuritaires pour
un enfant de 12 ans ou moins.
• NO coloque el asiento del niño
que se debe instalar mirando
hacia atrás en el asiento
delantero con bolsa de aire del
pasajero. Puedes causar LA
MUERTE o LESIONES
PERSONALES GRAVES. • El
asiento trasero es el lugar más
seguro para niños de 12 años y
menores.