

IN THE COURT OF APPEALS OF THE STATE OF OREGON

VAPOR TECHNOLOGY ASSOCIATION; VAPE CRUSADERS PREMIUM E-LIQUID, LLC; and SMOKELESS SOLUTIONS, LLC,
Petitioners,

v.

OREGON HEALTH AUTHORITY,
Respondent.

Court of Appeals No. A172417 (Control)

NO MOKE DADDY, LLC, dba Division Vapor, an Oregon limited liability company;
and PAUL BATES, an individual,
Petitioners,

v.

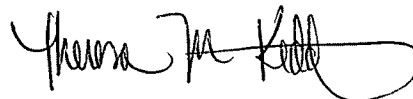
OREGON HEALTH AUTHORITY; KATE BROWN, in her official capacity as Governor of Oregon and as Chief Executive of the Oregon Health Authority; and PATRICK ALLEN, in his official capacity as Director of the Oregon Health Authority,
Respondents.

Court of Appeals No. A172419

ORDER GRANTING TEMPORARY STAY

Petitioners seek judicial review of a temporary administrative rule adopted by the Oregon Health Authority, OAR 333-015-1000, that prohibits retailers from "offer[ing] for sale a vapor product containing a flavor, to a consumer in Oregon." The rule became effective October 15, 2019. Petitioners have moved to stay enforcement of OAR 333-015-1000 pending judicial review. Petitioners have further requested that the court grant an immediate temporary stay, before respondents will have had the opportunity to file a response to the motion for stay, because, petitioners assert, as a result of the rule, they, along with numerous other similarly situated businesses, will be forced to permanently close within weeks.

The request for an immediate and temporary stay is granted. Enforcement of OAR 333-015-1000 is stayed temporarily, pending respondents having the opportunity to respond to the motions for stay, petitioners having the opportunity to reply, and the court considering the parties' filings and rendering a decision on the motions.



TERESA M. KIDD
APPELLATE COMMISSIONER
10/17/2019 1:00 PM

c: David H Angeli Kristen Lynn Tranetzki Tyler Francis
Benjamin Gutman J Ryan Adams

ej

ORDER GRANTING TEMPORARY STAY

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563