



DEPARTMENT OF JUSTICE
CIVIL ENFORCEMENT DIVISION

December 28, 2021

Re: Notification Regarding Oregon's Delivery Sales Prohibition – ORS 180.441

To Whom It May Concern:

You are receiving this letter because you have been identified as an entity that deals in inhalant delivery systems (including but not limited to e-cigarettes).

ORS 180.441 restricts delivery sales of certain tobacco products. As of January 1, 2022, sales of inhalant delivery systems¹ to consumers must be made **in person** at a retail store. A seller may not ship cigarettes, smokeless tobacco, or inhalant delivery systems purchased by mail, telephone, or over the internet to **consumers**. Shipments to Oregon-licensed distributors and retailers are permitted.

Any sales or shipments of these products to persons in Oregon other than Oregon-licensed distributors or retailers will be subject to civil penalties including fines, injunctive relief, fees and costs incurred by the state for investigation and attorney fees. Please see that you take steps to ensure that you do not sell or ship any cigarettes, smokeless tobacco, or inhalant delivery systems into or within Oregon, except to Oregon-licensed distributors or retailers.

If you have any questions, please contact our office at ORDOJTobacco@doj.state.or.us.

Sincerely,

Kristen A. Gilman
Assistant Attorney in Charge

KAG:dms

¹ ORS 323.500(8)(a) "Inhalant delivery system" means:

(A) A device that can be used to deliver nicotine in the form of a vapor or aerosol to a person inhaling from the device; or

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

(b) "Inhalant delivery system" does not include:

(A) 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;

(B) If sold separately, battery chargers, straps or lanyards; or

(C) Marijuana items as defined in ORS 475B.015.