



Date: June 1, 2016

TO: Interested Parties

FROM: Karen Girard, Manager
Health Promotion and Chronic Disease Prevention Section

RE: Notice of Proposed Rulemaking Reopened Comment period– OAR 333-015,
“Packaging and Labeling Requirements for Inhalant Delivery Systems”

The Oregon Health Authority (OHA), Public Health Division is reopening the comment period for the proposed rulemaking to permanently adopt administrative rules in chapter 333, division 15 regarding packaging and labeling requirements for inhalant delivery systems today.

The 2015 Oregon Legislature passed, and Governor Brown signed into law, HB 2546 which gave OHA rulemaking authority to promulgate rules for child resistant packaging, labeling and packaging that is not attractive to minors for inhalant delivery systems. HB 2546 also specified that these rules must be consistent with any regulation adopted by the United States Food and Drug Administration (FDA) related to packaging or labeling requirements for inhalant delivery systems.

On May 5, 2016, the FDA finalized a rule, “Deeming Tobacco Products to be Subject to the Federal Food, Drug and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act” (Deeming rule). The Deeming rule extends FDA’s authority over all tobacco products including electronic cigarettes (defined as inhalant delivery systems in Oregon statute), cigars and hookah.

The Family Smoking Prevention Tobacco Control Act (FSPTCA) includes express language preempting state laws that regulate tobacco product labeling and product standards. Thus, OHA has revised the proposed rule text to align with the Deeming rule and is reopening a comment period.

You may file written comments before 5:00 p.m. on June 10, 2016, by submitting them to the Public Health Division Rules Coordinator at the following address:

OHA, Public Health Division
Administrative Rules Coordinator
800 NE Oregon Street, Suite 930
Portland, Oregon 97232

E-mail comments to: publichealth.rules@state.or.us

You may also send comments by fax to (971) 673-1299.

Final rules will be filed after consideration of all comments.

For more details, please see the Notice of Proposed Rulemaking Hearing, Statement of Need and Fiscal Impact, and the full text of the proposed rules at the following website: <https://public.health.oregon.gov/PreventionWellness/TobaccoPrevention/Pages/retailcompliance.aspx>. If you have questions or would like a paper copy of these rule changes, please call the Kim La Croix at 971-673-0984 or kimberly.w.lacroix@state.or.us. Thank you for your continued support.