

CHAPTER 402

AN ACT

HB 3030

Relating to nitrous oxide.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) A business that makes retail sales of nitrous oxide canisters from which an individual may directly inhale nitrous oxide, or an employee of the business, may not sell or deliver a nitrous oxide canister from which an individual may directly inhale nitrous oxide to an individual who is under 18 years of age.

(2)(a) Except as provided in paragraph (b) of this subsection, violation of this section is a Class A violation.

(b) Violation of this section is a Class C misdemeanor if at the time of sentencing the person has been convicted and sentenced, during a prior proceeding, under this section.

(3) This section does not apply to a business or employee who sells or delivers a nitrous oxide canister from which an individual may directly inhale nitrous oxide if, before selling or delivering the nitrous oxide canister to an individual:

(a) The business or employee requires the individual to present one of the following pieces of identification:

(A) A passport;

(B) A driver license, whether issued in this state or by another state;

(C) An identification card issued under ORS 807.400;

(D) An identification card issued by the United States military; or

(E) Any other identification card issued by a state that bears a picture of the individual, the name of the individual, the date of birth of the individual and a physical description of the individual;

(b) The piece of identification presented establishes that the individual is 18 years of age or older;

(c) The piece of identification presented accurately describes the individual; and

(d) If the piece of identification presented was falsified, a reasonable person would determine, upon inspecting the piece of identification under the same or similar circumstances, that the piece of identification was not altered and accurately describes the individual.

Approved by the Governor June 20, 2017

Filed in the office of Secretary of State June 20, 2017

Effective date January 1, 2018