



**American
Heart
Association.**

To: Senate Health Care Committee

Date: March 1, 2021

Re: SB 587

Senator Patterson and members of the committee. For the record, my name is Christina Bodamer, and I am the Oregon Government Relations Director for the American Heart Association here today in support of SB 587.

Following the 1998 Master Settlement Agreement that restricted advertising by tobacco companies, the industry shifted its focus to marketing in the retail setting. Since 1998, tobacco company advertising and marketing has increased from \$6.7 billion to \$9.1 billion in 2018.¹ This focus on retail spending is strongly associated with smoking initiation, particularly among youth.

Tobacco retail licensure (TRL) provides standards for retailers of tobacco products and electronic smoking devices to ensure the minimum legal sales age is being enforced, that applicable local, state, and federal laws are being followed, and where applicable, taxes are being accurately collected. Currently, the minimal compliance programs, one example of which is SYNAR, only visit a certain percentage of known retailers and is not comprehensive. SB 578 would change that.

The increase in popularity of e-cigarette and vaping products has placed increased need for tobacco retail licensure among all products. According to the National Youth Tobacco Survey, over 16% of middle and high school students under the age of 18 reported obtaining e-cigarettes in a vape shop in the past month, and nearly 10% stated they purchased from a gas station or convenience store. Furthermore, nearly 75% of youth that tried to buy tobacco products stated they were not refused sale.

Strong retail licensure requirements are an effective policy tool to limit youth initiation of tobacco products, as well as to prevent access and continued usage of these products.

SB 587 has all the necessary tenant of a highly effective Tobacco Retail Licensure program to effectively curb the high rates of access to tobacco products by youth in the retail setting, adequate retail licensure is necessary.

- An annual license fee that is high enough to cover the cost of enforcement and compliance.
- A clear process to establish requirements to apply for a license.
- A minimum of one compliance check per store per year, with a mandatory recheck for compliance failures.



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- Escalating monetary compliance check failure penalties paid by the retailer, with a license suspension of at least 15 days by the third offense, and license revocation by the fourth offense within at least a two-year period.
- No criminal or monetary penalties for youth use and possession.
- A penalty for selling tobacco products without a license.

To be clear, the only retailers that repeated fail their age inspections will be fined. This bill is designed to create a partnership between local public health and business owners that provides opportunities for education of tobacco control laws. However, for repeated bad actors, we feel just in our desire to revoke their licensing.

In addition, the -1 amendment addresses an essential piece of this work by removing PUP laws, or possession use and purchase of products by minor, to address equity in this policy. Even though tobacco affects us all, tobacco disproportionately affects many racial and ethnic minority groups because of where they live. Research shows that more tobacco retailers exist in areas with larger black, Hispanic, and low-income populations. PUP laws are inequitable because they disproportionately affect youth of color who are more likely to smoke because these populations have been targeted via advertising and retailer placement by the tobacco industry. In addition to carrying a higher burden of tobacco-related harm, African American and Hispanic youth report higher citation rates than their white peers even after accounting for smoking frequency. These findings mirror disparities recorded throughout criminal justice and school disciplinary systems.

Enforcement of PUP laws also disproportionately affects youth from low-income communities. High smoking rates are correlated with low income, and there are more tobacco retailers and advertisements in less affluent areas. Consequently, low-income youth are more likely to smoke and to be affected by PUP laws. A child with a job, a single parent, or 2 parents who work outside the home may struggle to complete community service or pay fines. If a violation results in suspension of a driver's license, travel to school, a job, or a community service site becomes more difficult. A child who is unable to complete community service or pay fines may be subject to escalating penalties that are increasingly difficult to resolve. Further, the resulting stress takes a toll on health and increases the likelihood of risky behaviors or involvement with juvenile justice, mental health, substance use, or other systems.

Nearly 30% of public schools in Oregon are within 1000 feet of a retailer that sells tobacco. Yet we have no comprehensive program that ensures stores that sell tobacco are following the laws and not selling to minors. This legislative body has been working on statewide tobacco retail licensure for the past 7 years. We cannot wait any longer. I urge your support of SB 587.