



March 15, 2023

Chair Nosse and Members of the House Behavioral Health and Health Care Committee,

The Northwest Grocery Association (NWGA) asks that you **OPPOSE House Bill 3090** which would ban the sale of flavored tobacco products. This will simply push sales from our responsible stores to those outside of the State or the illicit market with no positive public health outcomes.

Since 2018, it's been illegal to sell any tobacco product – flavored or otherwise – to anyone under the age of 21 in the State of Oregon. Yet House Bill 3090 bans the sale of flavored tobacco products to anyone—even to adults 21 and older.

In 2016, NWGA served on the Multnomah County Tobacco Retail Licensing Rules Advisory Committee and supported it's local licensing program. During the 2021 legislative session, the Northwest Grocery Association also supported Senate Bill 587 which created a statewide tobacco licensing program which went into effect in 2022. NWGA participated in the Department of Revenue and the Oregon Health Authority rules which will further penalize those businesses who sell to minors outside of Multnomah County. NWGA believes this is the best approach to promote responsible sales of tobacco products and prevent youth access. Although many state inspections have been suspended since 2020 due to COVID restrictions, the retailer compliance rate for Fiscal Year 2019 in Oregon was nearly 89%.<sup>1</sup> To strengthen underage prevention efforts, Oregon retailers have begun implementing new age verification technology that enhances current age verification systems at point of retail.

With all of these retail-focused regulations, youth access to tobacco is at generational lows. Just 1.5% of middle and high school students, less than 1 in 50 students, reported past 30-day smoking in 2021, according to results from the Centers for Disease Control and Prevention's National Youth Tobacco Survey (NYTS).<sup>2</sup> Importantly, underage e-cigarette use is also trending down. For 2021, 11.3% of high school students reported past 30-day e-cigarette use. This is down from 19.6% in 2020 and 27.5% in 2019. It's clear that the state and federal regulations are working.

House Bill 3090 is punitive and goes too far. Please set aside the proposed flavor ban and let the tobacco licensing programs regulate the industry as intended.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Shawn Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Shawn Miller, Northwest Grocery Association (503) 551-7738 Shawn@MillerPublicAffairs.com

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<sup>1</sup> Annual Synar Report, FY2019, at [ANNUAL SYNAR REPORT \(oregon.gov\)](https://www.oregon.gov/DEQ/REGISTRATION/Pages/Annual-Synar-Report.aspx).

<sup>2</sup> 2021 National Youth Tobacco Survey, CDC and FDA, at [Results from the Annual National Youth Tobacco Survey | FDA](https://www.fda.gov/tobacco-products/national-youth-tobacco-survey).