



**Oregon
Neighborhood
Store
Association**

To: Representative Rob Nosse, Chair and Members of the House Committee on Behavioral Health and Health Care

Re: Opposition to House Bill 3090

The Oregon Neighborhood Store Association opposes HB 3090, which would prohibit the sale of flavored tobacco products. ONSA believes there are better policy options available, which would not have a negative impact on the State.

Imposing a total ban on all flavored tobacco products, including menthol cigarettes, and prohibiting legal sales to adults will create serious problems. If certain products are not available in Oregon, legal adult purchasers will seek other outlets or utilize online purchasing options. In Oregon, consumers will turn to the bordering states of Washington, Idaho, and Nevada. Increased cross borders sales and online purchases will rob Oregon of significant tax revenue.

Banning these products will also open the door to black markets and additional criminal activity. After the State of Massachusetts imposed a flavor ban, the State Department of Revenue reported the smuggling of untaxed, flavored tobacco products increased by 308% following the ban.

A new illegal market for these products will put a large strain on law enforcement authorities, which are already overwhelmed trying to keep our State safe. These law enforcement agencies are already without staff and resources and don't need a new surge in crime surrounding a tobacco flavor ban.

Surveys by the Oregon Health Authority indicate the vast majority of underage tobacco users do not obtain their products via retail outlets. Most minors access tobacco products from family and friends. However, it is also a sad truth that online purchasing options for tobacco products make it easy for underage purchasers.

In 2021, the State approved a new statewide tobacco licensing program, which is intended to improve enforcement of the laws and regulations governing the sale of tobacco products and inhalant delivery systems. The impact of the enhanced educational efforts associated with this new licensing program has yet to be fully realized.

Finally, the U.S. Food and Drug Administration should be allowed to continue with appropriate actions on the federal level in regard to flavored e-cigarette products. FDA banned over 55,000 flavored e-cigarette products in 2021 and continues to review other products, as well as new applications.

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The imposed ban on all flavored tobacco products in HB 3090 will not specifically address the issue of youth access to electronic cigarettes, but it will cause serious problems in terms of lost state tax dollars and increased demands on law enforcement agencies.

ONSA is convinced other alternatives to address the youth issue need to be sought beginning with the re-establishment of the Minor in Possession penalties. Provisions in the statewide tobacco licensing bill (SB 587 – 2021) repealed the previous penalty for a Minor in Possession.

Once again, if the overall objective of this proposal is to reduce or eliminate the use of tobacco or inhalant delivery devices by minors, we contend there exist better and ultimately more effective policy options. If an assumption is made minors acquire these products through retail channels, establish a program requiring all retailers engaged with the sale of tobacco products to secure and utilize electronic age identification equipment. This provision has recently been instituted in the State of Nevada.

Educational programs targeting youth have achieved a decline in youth tobacco use. Enhanced education using resources available through the existing Tobacco Use Reduction Account (TURA) offers another opportunity for continuing the downward trend in youth tobacco use. As already mentioned, the recently adopted statewide retail licensing program is believed to offer another avenue for improving the enforcement of the laws governing the sale of tobacco products and inhalant delivery systems.

In short, we firmly believe better and more effective policy options exist other than the passage of a ban on flavored tobacco products.