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**Members of the Oregon House Consumer Protection Committee**

900 Court St. NE  
Salem, OR 97301

Dear Members of the Oregon House Consumer Protection Committee,

I am writing to express my strong opposition to House Bill 2528, which would grant the Oregon Health Authority (OHA) jurisdiction over all retail and wholesale tobacco sales, including the ability to impose restrictions such as flavor bans and nicotine caps without proper legislative oversight or public discourse. This bill represents an alarming shift of regulatory power to an unelected agency that lacks the scientific rigor and regulatory expertise of the U.S. Food and Drug Administration (FDA). Such a move would be detrimental to Oregon and its small businesses, limit adult consumer choice, and fail to achieve the desired public health benefits.

Granting this level of authority to the OHA is deeply concerning for several reasons:

1. **Lack of Proper Legislative Oversight** – Tobacco and nicotine policy should be deliberated through the elected state legislature, ensuring that all stakeholders, including businesses, consumers, and public health advocates have an equal voice in the process. Allowing an unelected agency to make sweeping regulatory decisions is undemocratic and limits the opportunity for affected parties to engage in transparent discussions.
2. **Unproven Effectiveness of Similar Policies** – Massachusetts serves as a prime example of the failure of such policies. After implementing a statewide flavor ban, data from the National Youth Tobacco Survey indicated an increase in youth cigarette smoking rather than a decline. Consumers simply sought alternative

sources, including illicit markets, which undermine public health goals while simultaneously reducing state tax revenues that could otherwise fund tobacco education and cessation programs. Oregon risks repeating these mistakes if it follows this misguided approach.

3. **Economic Harm to Small Businesses and Overregulation Without Measured Results** – Local businesses rely on fair and predictable regulations to operate successfully. If the OHA imposes unnecessary restrictions or excessive taxation (such as the new 65% ad valorem tax proposed in this bill), small retailers across Oregon will suffer the consequences. Additionally, Oregon has already significantly increased the cigarette state excise tax (SET) and raised the tax on other tobacco products to 65% of the wholesale cost. Instead of continuously imposing new regulations in rapid succession, policymakers should allow enough time for existing measures to take effect and properly assess their impact before introducing additional restrictions. Overburdening businesses with constant regulatory changes creates instability and drives consumers to illicit markets or out-of-state retailers. California’s flavor ban provides a clear example of unintended consequences, including the introduction of new flavor capsule products, a significant rise in illicit market activity, and an increased burden on law enforcement due to criminal activities associated with unregulated tobacco sales. Oregon should learn from these failures rather than replicate them.
4. **Inconsistent and Arbitrary Rulemaking** – The FDA has spent years conducting extensive research to evaluate tobacco and nicotine products through a structured, science-based process. The OHA, lacking this level of expertise, is not equipped to make these difficult, science-based regulatory decisions, potentially resulting in rules that conflict with federal rules, create confusion, promote unintended consequences, and disrupt consumer access to regulated alternatives that the FDA has concluded are “appropriate for the protection of the public health.”
5. **Existing Age Restrictions Already Limit Youth Access** – Oregon already has strict laws in place, including a minimum purchase age of 21 for all tobacco and nicotine products. These existing measures help prevent youth access without the need for further overreaching regulation by the OHA.

For these reasons, I urge you to oppose HB 2528 and ensure that Oregon’s tobacco policies are developed through a transparent, legislative process that considers all voices. The unintended consequences of granting regulatory control to the OHA will harm businesses, diminish consumer choice, and ultimately fail to achieve the bill’s intended public health objectives.

Thank you for your time and consideration. I would appreciate your leadership in rejecting this harmful legislation and ensuring a fair and balanced approach to tobacco regulation in Oregon.

Sincerely,

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

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