



March 4, 2025

The Honorable Lisa Reynolds, MD, Chair
Senate Committee on Early Childhood and Behavioral Health
900 Court St. NE, S-409
Salem, Oregon 97301

Re: SB 702—Support

Dear Chair Reynolds and Members of the Senate Early Childhood and Behavioral Health Committee:

The Campaign for Tobacco-Free Kids & the Tobacco-Free Kids Action Fund are **proud to support SB 702** which would prohibit the sale of flavored tobacco products. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco and help smokers quit. It is encouraging to see cities and counties continue to take thoughtful, evidence-based steps to reduce the number of kids who start using tobacco and help tobacco users quit.

Prohibiting the sale of all flavored tobacco products in all tobacco retailers is a critical step that will help protect children living in Oregon from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. **The tobacco industry spends an estimated \$90.7 million to market their products in Oregon each year.**¹ Tobacco products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets.

Last year, the U.S. Surgeon General released a [report on tobacco-related health disparities](#), which detailed how the tobacco industry has intentionally targeted youth and other priority populations with flavored tobacco products, finding that, “The tobacco industry has designed, engineered, and marketed menthol cigarettes and other tobacco products that deliver multisensory flavor experiences which increase the likelihood of tobacco initiation, addiction,

and sustained use.”² This report provides strong evidence that states and localities must step up to protect youth and priority populations by prohibiting flavored tobacco products, concluding that, “**Local laws restricting the sale of flavored tobacco products are associated with a decrease in tobacco product sales and in the prevalence of tobacco use among youth.**”³

Each year, 6,000 Oregon kids try their first cigarette; and more than 10% of 11th grade students use e-cigarettes.⁴ Youth e-cigarette use remains a serious public health problem nationally as well as in Oregon, where e-cigarettes are the most popular tobacco product among kids.

Youth E-Cigarette Use Remains a Serious Public Health Concern

Flavored e-cigarettes are undermining the nation’s efforts to reduce youth tobacco use and putting a new generation of kids at risk of nicotine addiction and the serious health harms that result from tobacco use. E-cigarettes have been the most popular tobacco product among youth since 2014. While youth e-cigarette use has declined from its peak in 2019, it remains a serious public health concern, with over 1.6 million youth, including 7.8% of US high schoolers reporting current e-cigarette use in 2024.⁵ Another national survey estimates that each day, more than 4,200 kids (under 18) try e-cigarettes for the first time.

Kid-Friendly Flavors Drive Youth E-Cigarette Use

E-cigarettes are widely available in every flavor imaginable—from cotton candy and pink lemonade, to mango, mint and strawberry. Flavors play a major role in youth e-cigarette use. The 2016 Surgeon General Report on e-cigarettes concluded that flavors are among the most common reasons for using e-cigarettes among youth and young adults.⁶ In 2023, nearly 90% of youth e-cigarette users reported using flavored products.

Increasing Nicotine Levels in E-Cigarettes is Causing a Youth Addiction Crisis

Nicotine is a highly addictive drug that can have lasting damaging effects on adolescent brain development—the brain keeps developing until about age 25. In particular, nicotine use can harm the parts of the adolescent brain responsible for attention, learning, mood and impulse control.⁷ The Surgeon General concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”⁸ As a result of increasing nicotine levels in e-cigarettes, kids are not just experimenting with e-cigarettes, but are using them frequently, leading to an addiction that is difficult to break. In 2024, 42.1% of high school e-cigarette users reported vaping on 20 or more days/month, and 29.7% reported daily use. In total, 620,000 million middle and high school students are vaping on a frequent basis, including 430,000 daily users.⁹ According to the FDA, “Teens who vape may end up addicted to nicotine faster than teens who smoke cigarettes. This is because vapes may expose users to more nicotine and may be used more frequently. Plus, e-cigarettes may come in flavors that appeal to youth. Appealing flavors may cause teens to vape longer and more often, putting them at risk for nicotine addiction.”¹⁰



Today's e-cigarettes contain increasingly high levels of nicotine, with **some disposable e-cigarettes containing as much or more nicotine as 20 packs of cigarettes**. One study aptly described current disposables on the market as “bigger, stronger and cheaper.” From January 2017 through September 2022, disposable e-cigarettes quintupled in e-liquid capacity and nearly tripled in average nicotine strength, while decreasing threefold in price per milliliter of e-liquid—making addictive nicotine even more affordable for price-sensitive youth.¹¹ Large capacity disposable e-cigarettes like Elf Bar have surged in popularity among youth due to the wide array of flavors—like cotton candy and watermelon bubblegum. In 2024, 55.6% of youth e-cigarette users reported using disposable e-cigarettes.¹² From February 2020 to June 2024, sales of disposables tripled, and disposable e-cigarettes now make up about 60% of total e-cigarettes sales.¹³

Flavored E-Cigarettes Are Easy for Young People to Access

While tremendous progress had been made in reducing youth access to cigarettes, research shows that e-cigarettes are significantly easier for underage youth to purchase than cigarettes. This shows that youth access laws alone are not enough to curb the youth e-cigarette crisis. Removing flavored e-cigarettes from store shelves is the best way to ensure these products do not get into the hands of Oregon's kids.

FDA Has Failed to Effectively Use Its Authority Over E-Cigarettes, Leaving Illegal Flavored E-Widely Available

While the FDA has had regulatory authority over e-cigarettes since 2016, it has been slow to implement the required premarket reviews for e-cigarettes. Under a federal court order, FDA faced a deadline of September 9, 2021 to determine whether e-cigarettes meet the statutory standard to stay on the market. However, the FDA failed to finish reviewing e-cigarette marketing applications by this deadline and illegal, flavored e-cigarettes still remain widely available. Recently released data from the Truth Initiative show that while the FDA has authorized 34 e-cigarette products for sale, these products only make up only 13.7% of the market, meaning that **86% of the e-cigarette market is for unauthorized, illegal products**.¹⁴ The state of Oregon can act more quickly to remove these illegal products from store shelves than FDA by prohibiting the sale of flavored tobacco products.

Menthol Cigarettes Increase Youth Initiation, Reduce Smoking Cessation & Increase Disparities

While e-cigarettes are the most popular tobacco product among youth, no flavored tobacco product has caused more death and disease than menthol cigarettes.

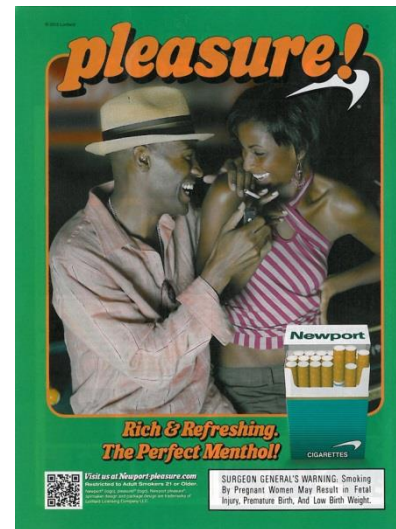
Menthol Makes It Easier for Youth to Start Smoking and Become Addicted Smokers

Menthol is a chemical compound that cools and numbs the throat. When used in cigarettes, it reduces the harshness of tobacco smoke and makes menthol cigarettes more appealing to youth. As a result, menthol cigarettes increase the number of kids who experiment with cigarettes and who become regular smokers.¹⁵ Half of youth who have ever tried smoking started with menthol cigarettes.¹⁶ Between 1980 and 2018, menthol cigarettes were responsible for 10.1 million additional new smokers, an average of 265,000 new smokers a year over the 38-year period.¹⁷

Menthol Cigarettes Have Had a Devastating and Disproportionate Impact on the Health of Black Americans

For more than 60 years, tobacco companies have targeted Black communities with marketing for menthol cigarettes. They have used sponsorship of community and music events, free samples, magazine advertising, and retail promotions to market menthol cigarettes to Black communities.¹⁸ Black neighborhoods have more tobacco retailers, more advertising for menthol cigarettes, and more price promotions for menthol cigarettes.¹⁹ This decades-long marketing campaign is the primary reason why use of menthol cigarettes is highest among Black Americans: 88% of Black smokers smoke menthol cigarettes compared to 31% of white smokers.²⁰

In addition to youth and Black Americans, other population groups also have high rates of menthol use. Half of Hispanic smokers, 45% of Asian American smokers, 51% of lesbian or gay smokers, and 52% of bisexual smokers use menthol cigarettes. Use of menthol cigarettes is also high among those with serious mental health conditions and socioeconomically disadvantaged populations.²¹ Women are also more likely than men to use menthol cigarettes, and 60% of pregnant smokers use menthol cigarettes.²²



Prohibiting Menthol Cigarettes Will Prevent Kids from Smoking, Help Smokers Quit, Save Lives and Advance Health Equity

Prohibiting menthol cigarettes will significantly reduce smoking-caused disease and death by reducing smoking initiation and increasing smoking cessation. According to the 2024 Surgeon General's report, "Policies that restrict the availability of menthol cigarettes can reduce smoking initiation and prevalence among adolescents, young adults, Black people, and other population groups that have disproportionately higher use of menthol cigarettes."²³ Nationwide, researchers estimate that prohibiting menthol cigarettes will prevent over 650,000 deaths, including 255,000 deaths in the Black community, within 40 years.²⁴ Importantly, prohibiting menthol cigarettes will help reverse health disparities. Researchers estimate that prohibiting menthol cigarettes would eliminate the disparity in lung cancer death rates between Black Americans and other U.S. racial and ethnic groups within just five years.²⁵

Oregon Should Not Wait for FDA to Act on Menthol Cigarettes

Last year, the FDA submitted to the White House a final rule to prohibit menthol as a characterizing flavor in cigarettes, based on clear evidence that prohibiting menthol cigarettes would significantly reduce smoking-caused disease and death by reducing the number of youth who start smoking and increasing the number of smokers who quit.²⁶ Removing menthol cigarettes from the market is supported by over 100 public health, medical, and civil rights groups, including the NAACP. However, the FDA's rule has faced numerous delays and is unlikely to be finalized in the coming years. Oregon can act **now** to protect citizens from menthol cigarettes, and should not wait for the federal government to act.

A Comprehensive Restriction on the Sale of All Flavored Tobacco Products in All Retailers is the Best Way to Protect Kids in Oregon

The science is clear that across all tobacco products, flavors hook kids. A comprehensive restriction on the sale of all flavored tobacco products in all retailers is the best way to protect kids. Oregon should not consider exemptions for any retailers. The evidence shows that if flavored tobacco products remain on the market, kids will find a way to access them.

Hookah and Cigar Smoke Pose Many of the Same Health Risks as Cigarettes

Cigars come in hundreds of kid-friendly flavors like “Berry Fusion,” “Cocoa,” and “Cherry Dynamite,” and can be as cheap as 3 for 99 cents. These flavors increase youth initiation, progression to regular use and are associated with greater potential for addiction.²⁷ While cigar smoking is often perceived as an activity of older men, a troubling number of today’s cigar smokers are youth and young adults. The wide assortment of flavors, colorful packaging, and affordability of many cigars make them an appealing tobacco product for youth. In 2024, 330,000 youth were cigar smokers and cigar smoking among Black high schoolers is double that of White high schoolers.²⁸ The 2024 Surgeon General’s report found that, “Tobacco industry documents suggest that product design and flavoring was a deliberate and iterative process to optimize the appeal of cigarillos and little cigars to youth, women, and African American people who smoke, especially those who smoke mentholated tobacco products.”²⁹ Cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.³⁰ Cigar smoking causes cancer of the oral cavity, larynx, esophagus and lung, and daily cigar smokers have an increased risk of heart disease, chronic obstructive pulmonary disease (COPD), and an aortic aneurysm.³¹



There are also over 1,800 unique hookah flavors available, including a wide range of kid-friendly offerings, like bubble gum, cola, blueberry, strawberry cream and watermelon.³² It’s no surprise that the majority (84.1%) of youth who smoke hookah use flavored tobacco.³³ There are widespread misperceptions about the health effects of hookah use, but the data is clear: hookah is not harmless. According to the CDC, using a hookah to smoke tobacco poses serious health risks to smokers and others exposed to the smoke from the hookah.³⁴ Hookah smokers can inhale more deeply and spend more time in a “hookah session,” potentially exposing the user to more smoke over a greater period of time than what occurs when smoking a regular cigarette.³⁵ At least 82 toxicants and carcinogens have been identified in hookah smoke. Hookah smoking also delivers nicotine, the same highly addictive drug found in other tobacco products.³⁶ Research indicates that hookah smoking is linked to many of the same adverse health effects as cigarette smoking, such as lung, bladder and oral cancers and heart disease.³⁷ Although hookah use originated in Asia and the Middle East, today in the U.S. hookah use is popular with young people of many backgrounds who primarily use hookah for the social aspect and because of the flavors. Even countries with a history of hookah use have implemented public health measures to reduce its use. Recognizing the health risks of hookah, more than a dozen countries in Africa and Asia have banned the sale of hookah, including countries with a history of hookah use.³⁸ There

is no cultural or religious reason to exempt hookah from a prohibition on flavored tobacco products.

New and Emerging Tobacco Products Threaten to Undermine Youth Tobacco Use Declines

Sales of nicotine pouches—like Zyn—have skyrocketed in recent years. Nicotine pouch products raise new questions about potential health risks and public health impacts, including youth uptake and addiction. These products are flavored and easy to conceal – two of the characteristics of e-cigarettes that led to their popularity among youth. In addition, current marketing and social media trends with the products are a cause for concern, as they appear to mimic patterns seen with JUUL e-cigarettes that led to the sudden surge in youth e-cigarette use. While youth use of these products remains relatively low, the total number of youth using nicotine pouches more than doubled from 200,000 in 2021 to 480,000 in 2024.³⁹

Oregon Should Not Yield to Tobacco Industry Fearmongering about “Unintended Consequences”

The tobacco industry will stop at nothing to addict the next generation. While the tobacco industry and their retailer allies are likely to claim that enacting tobacco product flavor restrictions will have disastrous economic consequences for retail stores, new research shows that laws to end the sale of flavored tobacco products do not adversely impact retailers. **Oregon can act to protect kids and health without harming business.** A report from economists at the University of Illinois at Chicago, [*The Economic Effects of Cigarette Sales and Flavor Bans on Tobacco Retail Businesses*](#), analyzed trends in tobacco sales and various measures of convenience store business to assess several economic measures related to tobacco retailers. The report finds that retail stores, including convenience stores, continue to thrive despite ongoing declines in cigarette sales. It concludes, **“Claims of significant negative impact of tobacco control policies that reduce demand for tobacco products are exaggerated.”**⁴⁰ A subsequent report found **“no evidence that flavored e-cigarette or menthol cigarette sales restrictions have negative effects on tobacco stores, convenience stores, or convenience stores with gas stations.”** Put simply, these laws have no significant effect on the number of stores, number of employees, or real wages paid to employees.⁴¹ **These reports add further evidence that the tobacco industry’s claims that flavored tobacco restrictions will hurt the economy and put retailers out of business are overblown.**

In Oregon, it is estimated that smoking inflicts \$1.79 billion in health care costs each year, including approximately \$373.6 million in state Medicaid expenditures.⁴² Moreover, by reducing tobacco use, tobacco control policies reduce tobacco-related death, disease, disability, and associated healthcare costs. Reducing these costs and shifting the savings to more productive purposes and expenditures will improve reduce business costs and further strengthen the economy.

Thank you for considering this lifesaving policy. We urge a YES vote on SB 702.

Sincerely,



Annie Tegen
Vice President, State Advocacy
Campaign for Tobacco-Free Kids

¹ Campaign for Tobacco-Free Kids, Toll of Tobacco in Oregon. <https://www.tobaccofreekids.org/problem/toll-us/oregon>

² U.S. Department of Health and Human Services. *Eliminating Tobacco-Related Disease and Death: Addressing Disparities—A Report of the Surgeon General* (p.9). Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2024.

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