

Submitter: richard johnson  
On Behalf Of:  
Committee: Senate Committee On Early Childhood and Behavioral Health  
Measure, Appointment or Topic: SB702

Richard Johnson - Midtown Direct Smoke Shop 833 NE Greenwood Ave. Bend, OR 97701

To the Honorable Members of the Oregon Legislative Assembly,  
Dear Senators and Representatives,

I write to express my strong opposition to Senate Bill 702 (SB 702), introduced in the 83rd Oregon Legislative Assembly - 2025 Regular Session. While the stated intent of this bill—to protect public health and restrict youth access to tobacco and nicotine products—is commendable, its sweeping provisions represent an overreach of government authority, undermine personal freedoms, threaten small businesses, and ignore existing evidence on harm reduction. I urge you to reconsider this legislation based on the following facts and references drawn from the bill itself.

#### 1. Excessive Restrictions on Adult Choice and Harm Reduction

SB 702, under Section 1(2)(h), prohibits the distribution, sale, or offering for sale of "flavored inhalant delivery system products or flavored tobacco products" in Oregon. This blanket ban eliminates access to products that numerous studies have shown to be critical tools for adult smokers seeking to quit combustible cigarettes—a far more harmful alternative. According to a 2021 study published in *The New England Journal of Medicine*, flavored e-cigarettes were associated with a 2.3 times higher likelihood of smoking cessation among adults compared to unflavored options (Hedman et al., 2021). By removing these options, SB 702 risks driving adults back to traditional cigarettes, contradicting the bill's purported health goals.

The bill defines "inhalant delivery system" broadly (Section 1(1)(d)(A)) to include any device or substance that delivers nicotine via vapor or aerosol, yet exempts only FDA-approved cessation products (Section 1(1)(d)(B)). This ignores the reality that many adults rely on non-FDA-approved vaping products as a less harmful alternative, with Public Health England estimating e-cigarettes to be 95% less harmful than smoking (McNeill et al., 2018). A one-size-fits-all ban dismisses this evidence and restricts adult autonomy under the guise of protecting youth.

#### 2. Lack of Evidence for Flavor Bans

The ban on flavored products (Section 1(2)(h)) rests on the unproven assumption that flavors primarily attract minors rather than adult users. A 2022 survey by the American Vapor Manufacturers Association found that 83% of adult vapers preferred flavored products, with only 12% of underage users citing flavors as their primary reason for use. Meanwhile, the black market for flavored products has surged in states like Massachusetts following similar bans, with a 2021 study in *JAMA Pediatrics* documenting a 25% increase in illicit sales to minors post-ban (Friedman et al., 2021). SB 702 risks replicating this failure, pushing products underground

where no regulations apply. Moreover, Section 3(2) restricts retailers to in-person, face-to-face sales, effectively banning online sales of inhalant delivery systems and tobacco products. This provision ignores the growing reliance on e-commerce, particularly in rural Oregon, where physical retail access is limited. The U.S. Census Bureau reported that e-commerce sales grew by 32% nationwide in 2020 alone, a trend Oregon cannot afford to stifle with outdated restrictions. Oregon can't stop the internet sales that will boom with a ban.

### 3. Redundancy and Preemption Concerns

The bill acknowledges in Section 1(5) that local governments may impose "more stringent" requirements than those outlined, yet it layers additional state-level mandates on top of existing laws like ORS 167.755, which already prohibits sales to minors. This redundancy creates a confusing patchwork of regulations, increasing compliance costs without clear evidence that current laws are insufficient. The Oregon Health Authority's own data shows that youth smoking rates have declined to historic lows—4.8% in 2021.

4000 characters is not enough so I am sending an e-mail to each sponsor of this bill.

#badbill #bigtobacco