March 4, 2025

To: Senate Behavioral Health and Early Childhood Committee

Re: Support for SB 702

One of the best ways to reduce the number of tobacco-related deaths and diseases is to deter people from ever starting to use the products, which more often than not starts with youth. Yet over $90 million a year is spent annually in Oregon alone on marketing these products; marketing that youth are particularly susceptible to. The result is that nearly all tobacco use begins before the age of 18 and 4 out of 5 youths report starting with a flavored product. It is important to remember that nicotine is a highly addictive drug that harms developing brains. Exposure at a young age can cause lasting harm.

To ensure we don't lose a new generation of kids to nicotine, we urge the removal of all flavored tobacco products from the market. Kids will gravitate toward any flavors on the market if they are available. Any exemptions for products simply drive the industry to create new ones to fit within those loopholes, manipulating the marketplace and blatantly ignoring the intent of legislation to allow them to continue to line their pocketbooks.

In my work I have some samples of flavored tobacco products to use as examples – when my son, then 5-years-old, came across the jar in my car he asked me if I would share my candy. These products are intentionally designed to look, smell and taste exactly like their candy counterparts to deceive youth. And though we thought we hit rock bottom when we discovered a clothing line created for the sole purpose of hiding e-cigarettes with secret pockets and smoking tubes disguised as drawstrings, it was actually just the beginning. Now there are key fobs designed to hide e-cigarettes, and products in containers that are the same shape and colors as mints, making it even harder for parents, administrators, and teachers to detect them.

Even as we have tried to get a handle on the prolific rise in e-cigarette use through policy interventions and public health programs, the tobacco industry has been equally hard at work creating their next addictive product to ensure that they don't lose their market share. But we can see the writing on the wall this time. These new nicotine products - which we have addressed in SB 702 by adjusting the definition of tobacco products to address any product that contains nicotine - are poised to be the next

youth craze. They come in many of the same youth enticing flavors as their e-cigarette counterparts.

Last year was the **first-time** products like Zyn were even included on the Youth Behavior Risk Factor Survey, and because the product is so new, we don't really have a clear picture of what the market is. I implore you to consider the lesson we learned from even recent history. In 2009 when the federal government passed the Family Smoking Prevention and Tobacco Control Act, e-cigarettes were new and not being used by youth and were not included when they banned cigarette flavors, only for them to EXPLODE in usage just a few short years later. This is exceptionally concerning when we consider who purchased ZYN and the long history of deceptive marketing tactics and false health claims the company has employed for decades.

When you hear products have been "approved" by the FDA, it is important to understand that Pre-Market Tobacco Authorization is just that, *authorization* to be on the market and nothing more. It does not mean the product is approved as a cessation device. And because the process is so slow, any product that has even *applied* can be sold legally. By the time a product is turned down for approval there are hundreds more in the waiting that are being sold as they are still in the approval process. We have all seen this in action with JUUL. By the time the FDA took action against the company, the youth market had moved on to Elf Bars and even now it's already moved on to the next brand of the moment, Geek Bars. Oregon has within its power the ability to address this issue by restricting the sale of flavors instead of relying on the FDA, whose process is clearly not up to the task of handling this crisis on its own.

It is important to clarify that should any of products that receive final approval by the FDA to be cessation devices, a separate process from pre-market approval, will be explicitly carved out from this policy as any approved cessation device will remain on the market, flavored or not.

For the past several years, you have heard from pediatricians, doctors, nurses, youth addiction services programs, county commissioners, parents, youth, community health clinics, and non-profit health organizations, all asking you to make a stand and choose protecting kids, over profits.

The American Heart Association urges your support of SB 702.