

Testimony in Opposition to HB 3724

House Committee on Economic Development, Small Business and Trade

Chair Nguyen, Vice-Chairs Diehl and Isadore, and members of the House Committee on Economic Development, Small Business and Trade:

I am writing in opposition to HB 3724 because I am skeptical that this bill will indeed help protect kids from the harms of today's high-potency cannabis products. To the contrary, I fear that it will instead serve to protect cannabis advertisers from potential liability by introducing language that would make it practically impossible for citizens or the government to hold corporations responsible for the harms that they cause.

As I understand it, this bill would take out the wording from (OAR 845-025-8040) "Marijuana advertising may not... (b) Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors" – and replace it with "**Is likely to cause** minors to unlawfully possess or consume cannabinoid concentrates, cannabinoid extracts, cannabinoid edibles or other cannabinoid products, in order to prevent the unlawful possession or consumption of cannabinoid products by minors."

To my mind, not only is the new wording more vague in terms of what might be considered appealing to minors, but it also **inserts a causality requirement** that would require plaintiffs or the government to establish that minors would not have possessed or consumed cannabis items but for the manufacturer's advertising, packaging and labeling. It would be impossible to prove that a particular ad or package influenced a young person to possess a cannabis product.

Kids today are bombarded with positive messaging about cannabis — on social media, billboards, dispensary signage — that collectively reduces the perception of risk and increases the odds of their using. A recent study focused on the impact of advertising on youth use and the consequent odds of their developing a Cannabis Use Disorder. It concluded that "Adolescents who saw billboards rarely/sometimes had 5 times the odds of CUD, whereas **youth who saw them most/all of the time had 7 times the odds of weekly use and 6 times the odds of CUD.**"¹ (My emphasis).

¹ Trangenstein PJ, Whitehill JM, Jenkins MC, Jernigan DH, Moreno MA. Cannabis Marketing and Problematic Cannabis Use Among Adolescents. *J Stud Alcohol Drugs*. 2021;82(2):288-296. doi:10.15288/jsad.2021.82.288. See also, "Marijuana ads are enticing kids to try weed, study says." CNN, <https://www.cnn.com/2025/02/12/health/marijuana-ads-child-danger-wellness/index.html>

We have public advertising in almost every Oregon city. Restricting that would be much more effective than the proposed wording in this bill.

I am furthermore concerned that the new wording concerning minors “unlawfully possessing or consuming” cannabis is shifting the blame to the minor for breaking the law and away from the marketers we know are deliberately targeting youth with their child-friendly flavored THC vapes and candy-like cannabis edibles.

As an aside, while it is admirable that OLCC minor decoy compliance has been high – as mentioned several times in the hearing on 3/24/25 -- please don’t ignore the fact that today it is extremely easy for minors to get incredibly convincing fake IDs. The *NYT* just ran a story, “A New Generation of ‘Unbeatable’ Fake IDs Is Bedeviling Bouncers.”² Minors can easily enter dispensaries with fake ID.s, which is a problem the OLCC has acknowledged.

We know that youth cannabis use is a serious problem in Oregon and is a key issue driving our current addiction crisis. Widespread advertising, a product of cannabis commercialization, has fueled the lowered perception of risk. The most recent Student Health Survey (2022) revealed that 45% of 11th graders perceive no or only slight risk of harm from regular marijuana use. A report the OLCC commissioned last spring found that “73% of people ages 16-25 had seen cannabis ads or promotions in the past year in 2023” vs. “47% of people ages 16-25 had seen cannabis education or public health messages in the past year in 2023.” No doubt these numbers need to be flipped, but HB 3724 will not help address this problem. To the contrary, it will likely exacerbate the issue by shifting responsibility away from those generating the ads and onto regulators -- thereby making it harder to hold companies responsible for the harms they cause.

I am not a lawyer, but this bill seems to me a wolf in sheep’s clothing. Please proceed with caution and consult a lawyer not affiliated with the cannabis industry before approving this bill.

Thank you for your time,

Lee Stewart
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² <https://www.nytimes.com/2025/02/13/nyregion/students-high-tech-fake-ids.html>