

Submitter: Richard Burke

On Behalf Of:

Committee: Senate Committee On Rules

Measure, Appointment or Topic: SB1198

Dear Chair Jama and Members of the Committee,

I represent "21+ Tobacco and Vapor Retail Association of Oregon," (VAR21) a professional association featuring over 70 retail stores, one manufacturer, and three distributors of products that would be impacted by Senate Bill 1198. All of the retail stores we represent are so-called "21+ stores" where only people 21 years of age or older are allowed on premises. We oppose this bill for a number of reasons:

1. SB1198 Would Incur a Health Cost. As mentioned above, only people 21 years or older are allowed on the premises of the stores VAR21 represents. It is well established that if adult tobacco smokers switched to vapes, we would see a net health benefit. In fact, the National Health Service in the UK is providing free flavored vapes to 1 million smokers who turn in tobacco products. It is believed that this program will reduce the smoking rates in the UK from 13% to 5% by 2030. Any scheme that makes flavored vapes less appealing to tobacco users would therefore have the unintended consequence of reducing the number of adults who switch to vapes from less healthy tobacco products without necessarily impacting children who are already restricted from purchasing age-restricted products. The answer to keeping age restricted products from minors is not SB1198, it is better enforcement of existing laws.

2. SB1198 Would Incur a Fiscal Cost. While a revenue impact statement has not yet been issued for SB1198, one has been issued for SB702 which would attempt to completely ban them. While the revenue impact of SB1198 might not equate to the \$360m estimated for SB702, it would result in a negative revenue impact at a time when the legislature is trying to fund an ambitious legislative agenda without any assurances that SB1198 would accomplish its stated goals (or produce negative unintended consequences).

3. People Will Turn to More Dangerous Products Obtained From the Internet or the Black Market. As long as it is possible to people to order products from the Internet or obtain them from street corner dealers, more people will do so if legislatures make it more difficult to market legal, regulated, and safer options to adults, particularly adults looking for more healthy alternatives to tobacco products. As the FDA has shown, deaths associated from vaping were virtually all the result of people using black market products which are often laced with fentanyl, meth, or other lethal drugs. Such developments would also have the unintended effect of enriching those who peddle black market products who are typically killers and social predators.

SB1198 may be well-intended, but this bill would bring to bear unintended negative consequences with respect to health, crime, and economics. SB1198 offers no mechanisms to deal with these negative unintended consequences. Doing a better job of enforcing existing laws to keep age-restricted products out of the hands of minors would be the best way to achieve the outcomes SB1198 is intended to achieve.

If the goal of legislation like this is truly to keep age-restricted products out of the hands of minors, legislators will find no better partner than our association. We are ready to work with you on better enforcement. But proposals like SB1198 are not the way. We therefore respectfully ask that you let this bill die or simply kill it. Thank you.

Respectfully,

Richard P. Burke, Executive Director
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