

Submitter: Denice Searcy
On Behalf Of:
Committee: Senate Committee On Rules
Measure, Appointment or Topic: SB1198
NO on SB 1198

Exporting Legislative power to ban products to unelected government agencies is unlawful, irresponsible, unjust, legally fought and an abuse of Legislative power. Improper advertising issues belong in the courts, not state agencies. Once we go down this road of letting agencies ban products based on ill-defined appeal to minors, we open the floodgates to ban all sorts of products. This is why we fear that if this bill passes, then what next?

Remember, the same agency, the Oregon Health Authority (OHA), that SB 1198 would let ban products without a vote, is the same agency that was involved in a scandal, just last year, over hiding information from lawmakers and the public on their failed beer-tax study.

For over 30 years it was illegal for Oregon bars to advertise happy hour for fear that a child might see the sign while walking down the street and suddenly become drawn to become alcoholic. Lawmakers didn't pass this stupid rule — the unelected Oregon Liquor Control Commission did. They only dropped the rule, because the rise of the internet made it impossible to enforce.

I oppose this bill. It gives too much power to a State agency. It is government overreach and it takes away citizen rights. This bill is too vague and delegates too much authority to OHA. OHA already proposed a bill earlier this session that would have given it sweeping authority to ban large number of products without legislative approval or oversight. THIS IS WRONG.

Banning flavored adult products like vaping, will contribute to the state losing nearly \$200 million in health care tax revenue from the lost tobacco/vaping tax. Customers will switch to illegal online sales that are more dangerous and do not pay the Oregon tax. Already illegal sales make up nearly 25% of tobacco sales.

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.

SB 1198 offers no mechanisms to deal with the negative unintended consequences related to health, crime, and economics. 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.

Vote NO on SB 1198