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May 22, 2025

Senate Committee On Early Childhood and Behavioral Health  
Oregon State Senate  
900 Court St. NE  
Salem, Oregon 97301

Re: Support for Senate Bill 702A

Dear Chair Meek, Vice Chair McLane, and members of the Committee:

I am writing to you today as the Executive Director of Counter Tools, a national public health nonprofit that empowers communities to become healthier places for all. I write to you in support of Senate Bill 702A to restrict the sale of all flavored tobacco products to OLCC liquor stores.

As an organization that provides training and technical assistance to communities across the country, we have seen the deadly impact of flavors – both in addicting youth and in driving tobacco-related health disparities. Across the states we work with, we have seen clear evidence of the tobacco industry targeting youth with flavors. We know that over 80% of youth who have ever used tobacco started with a flavored product, and youth will use any flavor that remains on the market. Flavored tobacco and e-cigarette products are the tobacco industry's current lure to hook young users, and it is working. E-cigarettes are the most popular tobacco product among Oregon teens, with over 10% of 11th graders using them in the past month.<sup>1</sup> E-cigarettes can deliver massive doses of nicotine, which put youth users at greater risk for addiction. Tobacco companies knowingly market harmful products to young users. Flavored products like cool mint, watermelon ice, and cotton candy attract and hook new young users. These tactics are working: nearly 90% of youth e-cigarette users use flavored products.<sup>2</sup>

In our work across the country, we have also seen tobacco companies targeting African Americans and other marginalized groups with menthol cigarettes. Menthol cigarettes make it easier for young people to start smoking, are more addictive and harder to quit. Recent research has found that between 1980 and 2018, menthol cigarettes slowed the decline of smoking prevalence by 2.6%, were responsible for 10.1 million extra smokers, 3 million life years lost, and 378,000 premature deaths.<sup>3</sup> For decades, Big

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<sup>1</sup> Oregon Health Authority, Oregon Student Health Survey.

<sup>2</sup> Results from the 2024 Annual National Youth Tobacco Survey

<sup>3</sup> Le TT, Mendez D. An estimation of the harm of menthol cigarettes in the United States from 1980 to 2018 *Tobacco Control* 2022;**31**:564-568.

Tobacco has targeted youth, BIPOC, and queer communities with flavored products and misleading advertising about their safety, once again putting profits over people's health.

### **SB 702A Makes Important Progress in Stopping the Use of Flavored Tobacco by Young People**

SB 702A takes important steps to significantly reduce access to flavored tobacco products and ensure that they are not being sold to kids. Requiring these products to only be sold in licensed OLCC liquor stores would make meaningful progress in addressing youth access and exposure.

- There are currently 2,800+ tobacco retail license holders in Oregon and this legislation will reduce that number to 282 possible retailers - and likely less if the Oregon Supreme Court affirms the Appeals Court ruling upholding county ordinances prohibiting the sale of flavored tobacco products in Oregon's two-most populated counties.
- OLCC licensed liquor establishments prohibit entry to individual under 21 unless accompanied by a parent, unlike grocery and convenience stores that regularly sell a variety of other products to minors. This not only helps reduce access to flavored tobacco products but also reduces exposure to flavored tobacco product displays and promotions in stores, which encourage youth to start using tobacco products like e-cigarettes.<sup>4</sup>
- It will establish regulatory authority over nicotine pouches. That will bring Zyn and like products under Oregon regulatory authority to ensure that inspectors can prevent these products from getting to kids – including the unflavored version.
- It will clarify and preserve the ability of local jurisdictions to end the sale of flavored tobacco products altogether.

### **The Legislature Should Act This Session on This Public Health Crisis**

With the declining sales of cigarettes, the tobacco industry is desperate to find ways to hook a new generation of users. We have seen this in recent years with the explosion of vaping and the more recent surge in sales of nicotine pouches. Nicotine is an extremely addictive drug and once someone is hooked it can be very difficult to stop. That path to addiction can set up young people for a lifetime of health complications. The federal government has failed to implement protections from menthol and other flavors that are easier to start and harder to quit – but Oregon can build on the work started by Multnomah and Washington Counties and do so now. We urge you to take the reasonable, urgent step to protect the health of Oregon kids and all communities Oregon by limiting where flavored tobacco products can be sold to OLCC liquor stores.

Sincerely,



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<sup>4</sup> Robertson L, Cameron C, McGee R, *et al* Point-of-sale tobacco promotion and youth smoking: a meta-analysis. *Tobacco Control* 2016;**25**:e83-e89.

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