

Senator Lee Beyer, Chairman, Committee on Business & Transportation  
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Senator Rod Monroe  
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RE: Senate Bill 417

Dear Senator Beyer and Members of the Committee on Business & Transportation,

Darimart Stores, along with other members of the Oregon Neighborhood Store Association, are strongly opposed to the provisions contained in SB 417. The proposed licensing for retailers of tobacco products and inhalant delivery systems and associated restrictions are not the answer to the problem of underage access to tobacco products.

Specifically with respect to inhalant delivery systems, we would encourage the enactment of a statewide, uniform policy prohibiting the sale or distribution of such products to minors. It should be noted, we have already taken appropriate steps to prohibit the sale of these products to minors.

Addressing additional laws regarding tobacco regulation, we encourage the committee to review existing pertinent statutory provisions. Oregon laws contain multiple provisions designed to prevent underage youth from obtaining access to tobacco products. For example:

- ORS 167.402 Prohibits locating vending machines that supply tobacco products anywhere other than a premise that is permanently off-limits to minors.
- ORS 167.400 Prohibits minors from possessing tobacco products.
- ORS 167.401 Prohibits minors from purchasing tobacco.
- ORS 163.575 Endangering the welfare of a minor - Makes it a crime to sell or distribute tobacco in any form to a person under the age of 18.
- ORS 431.840 Prohibits the free distribution of tobacco products to persons under the age of 18.
- ORS 431.853 Random Inspection of Retailers

Responsible retailers are complying with the laws regarding the sale of tobacco to minors. Our stores post the necessary sign informing the public that the sale of tobacco products to anyone under the age of 18 is prohibited and we utilize training tools, such as those provided by the national "We Card" program, to train employees how to avoid

the sale of tobacco to underage youth. While we cannot prevent the inadvertent sale to a minor, studies indicate that youth access through retail outlets has steadily declined at both the national level and in Oregon. According to Oregon Tobacco Facts for 2013, "Friends 18 years of age or older" are listed as the source of tobacco for underage smokers in the 11<sup>th</sup> grade 53.1 percent of the time. Education across the board to youth and retail employees clearly presents the best opportunity for preventing youth access.

Requiring another license for retailers and implementing another series of regulations is not the solution. Enforcement of Oregon's existing provisions, coupled with increased educational efforts both for the public and the retail community, are clearly better options for reaching the goal of reducing and eliminating access for underage youth.

Responsible retailers are not knowingly providing tobacco products to minors and as responsible retailers we are strongly opposed to the imposition of tobacco license. Licensing will not reduce the problem of underage access when access comes through friends nearly half the time. A more prudent course of action would be strong enforcement of the existing Oregon laws and redoubling of educational efforts through schools and communication venues that would reach underage youth.

We strongly encourage you to reject the proposed licensing requirement contained in SB 417. At the same time, we would encourage you to review and help facilitate enhanced and coordinated enforcement practices, such as the random inspection of retailers engaged in the sale of tobacco products.

Sincerely,

Joe Gibson