

Written Testimony for SB 417 (Tobacco Retail Licensing)



Chair Beyer, members of the committee:

My name is Mel Rader. I am the Executive Director of Upstream Public Health, a non-profit dedicated to improving the health of Oregonians.

Licensing of tobacco retailers is a critical step to getting a more fair and effective system for enforcing current laws related to tobacco sales. In the last report by the CDC, Oregon had by far the highest rate of sales of cigarettes to minors. When youth begin smoking before age 18, they are much more likely to be addicted for the rest of their lives. Therefore, Upstream Public Health strongly supports SB 417 and a strong licensing system.

However, how a licensing and enforcement system is implemented will make a difference in its effectiveness. So, I would like to work with the committee on these specific issues:

(1) Concern with the -6 Amendment

(a) I just read the proposed -6 amendments today, and I oppose this amendment. This would specifically allow sampling of e-cigarette liquids within vape shops. And, I want to make clear that this would allow an activity in vape shops that is not allowed in any other establishment. With this amendment, people could try out e-liquids for free before buying. In contrast, in Hookah lounges or cigar shops, people buy the products before hand and then use them on site. There is an important public health benefit of prohibiting sampling of addictive products, because we want to make sure people are making a conscious choice to use an addictive product, not just trying it because it's free and they can.

(b) There is also a significant fiscal impact to the -6 amendment. This amendment would require a financial audit of vape shops by the state. For cigar bars and hookah lounges, the exemption cost approximately \$5,000 per establishment to do the auditing and other certification, and this comes out of general fund dollars. But, there are a lot more vape shops than these other establishments. In fact, we found more than 60 in Multnomah County alone. So, this proposed exemption make cost in the range of \$1 million. I would therefore ask that if a privilege of e-cigarette use is given to a small number of vape shops, that they pay the cost of the additional certification through an additional licensing fee. And, I think this should be true for the hookah lounges and cigar shops as well.

(c) I would also request that there is a prohibition on new vape shops that allow use on site.

(2) In addition, I believe the legislation can be strengthened in several other ways:

- (a) The legislation should specify that retailers will be provided education and training about tobacco laws, and the use of approved cessation devices. And, the training should be provided in a culturally-competent way as much as possible.
- (b) The legislation should specifically allow County Health Departments to be engaged in the education, training and enforcement. The County Health

Departments have specific connections to many local businesses and can be very helpful in ensuring an effective licensing system.

- (c) Finally, I would request that the legislation make clear that the fines up to \$5,000 dollars would apply to retail owners, and not the individual clerks at a store.

In summary, I strongly support a tobacco licensing and enforcement system which is the norm in most states around the country. At the same time, I hope to work with the committee to make a system that is both fair and effective at enforcing current tobacco laws.

Thank you for your time,



Mel Rader
Executive Director

Self Service Example 1 (can reach in to the right)



Example of advertising within 3 feet of the floor (at child eye level)



Self Service Example 2 (can reach in to the right)



