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Chair Monnes Anderson and members of the Senate Committee on Healthcare,

I use a personal vaporizer (e-cigarette) and I am writing to oppose the -2 Amendment to SB 663, most specifically regarding the inclusion of “inhalant delivery systems,” or “vaping.”

Limiting sales of tobacco products and vaping products to areas outside 1,000 feet of a school, private or public, would substantially limit the number of stores; but it would not curb demand for the product. If proponents of the amendment are concerned with children accessing the products, those who are so inclined would take the same measures they do already.

If the concern is that children are encouraged to smoke by proximity to stores that are already prohibited from selling the products to children, take a look at smoking statistics among teens under the current regulatory framework. Smoking is at an all-time low among teens, most likely for a number of reasons, among which is certainly the prohibition against selling to minors.

Convenience stores and grocery (two of the busiest in my town are within 1,000 feet of our high school in the downtown core area, and they don't sell to minors) that sell tobacco now would suffer substantial decreases in sales for tobacco products to legal customers, but those same customers are still going to buy their cigarettes. It would marginally inconvenience consumers, legitimate and illegitimate; but it would harm numerous retailers as their profits are concentrated into the hands of nearby competitors who manage to exist outside the 1,000-foot limit. In my town, this rule would limit sales probably to a fraction of the retailers, who would, no doubt, be thankful for the boost to their bottom lines. I don't imagine shifting profits around among retailers is a particularly interesting goal for the proponents of this amendment.

We don't need to license tobacco or vaping retailers either. The existing law is clear about who may or may not buy cigarettes and tobacco products. Retailers may not sell tobacco products to anyone younger than 18. Each year, some number of retail clerks are caught and fined for deliberately or inadvertently selling to minors. The law already stops the sale of tobacco to minors. Teen smoking has been decreasing and is already at historic lows. Clearly, the existing law works well enough. Licensing simply adds more costs to doing business.

Presumably, this law is meant to help curtail smoking. Presumably, that notion is based in the correct idea that smoking is dangerous and that regulation by OLCC would somehow improve public health further. I'm not sure it'll help much, but if regulating cigarettes this way is a foregone conclusion, vaping should not be included in this amendment.

If the proponents' goal is to decrease smoking, they should promote vaping among current smokers or at the very least avoid standing in the way of vaping. With the vaping alternative, over time we'll all see that smoking is dead. Cigarettes are a doomed industry.

I smoked a pack and a quarter per day for 20 years. I never had any intention of quitting, but when I discovered smokeless cigarettes (that's how I viewed vaping at the time), I was elated. I switched. After a couple of short bouts where I returned to smoking early on -- during which I smoked much less than when I was a full-time smoker -- I am cigarette free. I began vaping five years ago, and I purchased my

very last pack of cigarettes in June 2012. I received all the benefits of quitting smoking. Gone was the rattle in my lungs and the smoker's cough. I could breathe easier. I could smell again and taste food. Cigarettes tasted horrid.

Vaping certainly does not need the regulatory oversight of the OLCC. Vaping doesn't need the state to get in its way, not if the goal is as it should be -- to reduce smoking or reducing the harm caused by cigarettes. Many – the attorney general, public health officials and legislators – have made much of research like the formaldehyde study from Portland State University (appearing in the New England Journal of Medicine) while disregarding or merely being ignorant of the details of the study that showed the creation of formaldehyde under overheated conditions we will never use to vape, conditions that are most akin to incinerating a steak and then eating the ashes. It does not apply to real-world vaping. Vaping under those conditions would be appalling.

Beyond this misrepresented study, studies of e-cigarettes have yet to show much, if any real harm, from the use of e-cigarettes, certainly not to bystanders. Claims of harm based on other studies also suffer from the same flaws. Other than its resemblance to the act of smoking, it has little in common with smoking. Nothing about vaping suggests that the OLCC should regulate vaping or license vape shops, which already voluntarily restrict sales to minors and sell child-proof vaping supplies, even if a good purpose exists to license cigarette sales.

To put vaping into perspective, my wife told me about picking up our son at the local Boys and Girls Club a couple of weeks ago. Inside, she said, the club was using a fog machine as part of some event. Fog machines use propylene glycol to generate fog. It's the same thing we use in our e-cigarettes. Our children were inhaling the substance. Spectators, including children, inhale it at concerts, plays and dances too. Vaping adds nicotine and some flavorings to it. What we exhale contains virtually no nicotine. It is nearly the same thing a fog machine produces. Propylene glycol is an ingredient in asthma inhalers, along with many other uses that do not necessarily involve inhalation but do involve ingestion.

Vaping supplies are not products to be feared and controlled. The relative harm vaping *might* cause clearly does not rival cigarettes or even alcohol, and vaping is clearly mitigating the near certain harm caused by cigarettes.

If you do nothing else to this bill and amendment, please remove vaping from this amendment. Please, feel free to keep section 13(1)(e) in case of passage of HB 2546 if, as I understand it to be, it is an exception to the Indoor Clean Air Act for vape shops. Please do not tie the exception to licensing. I appreciate the nod in vapers' direction for the exception.

Thank you for your consideration.

Sincerely,
Sean C. Morgan

PS - As an aside, I find it remarkable that such a dangerous and destructive drug as alcohol is not also included in the proposed 1,000-foot rule that applies to selling tobacco and vaping products in this amendment. While I do not advocate such an infringement on the rights of property owners to trade in any of these products, I would expect that such a strong restriction would also apply to other drugs, like alcohol, or even the innocuous and popular caffeine, which some say may raise blood pressure, impair the glucose metabolism and more. Then again, alcohol and caffeine are generally popular, despite their

negative impacts, in particular, alcohol's impacts on individuals, their families and society, among the citizens of Oregon.