

April 13, 2015

Chair Monnes Anderson, members of the committee, thank you for the opportunity to testify today in support of Senate Bill 663-2. Licensing is the critical link Oregon communities need to support parents, level the playing field for businesses, and enforce our tobacco laws.

A family doctor with board certification in preventive medicine and public health, I have spent nearly 10 years working in primary care and public health in the Portland metro area.

I currently serve as the Deputy Health Officer in Multnomah County where our Board has examined in depth the issue of illegal tobacco sales to minors and the growing problem of youth access to electronic cigarettes. Our Board recently passed a local ordinance banning the sale of electronic cigarettes to minors and including them in our local Smokefree Workplace law.

The vast majority of regular smokers begin before age 18.¹ The federal Synar compliance monitoring program documented that in 2014 about one in four Multnomah County retailers readily sold cigarettes to a minor decoy, putting the *state* at risk of losing millions of dollars from the Substance Abuse Prevention and Treatment block grant.²

Because a meaningful effort to keep young people from purchasing these products must include regulation of the tobacco retail environment, Multnomah County is monitoring the progress of related State legislation closely. Multnomah County has one of the highest rates of illegal sales of cigarettes to minors in the *country* and our commissioners have signaled their intent to move ahead on the issue of tobacco retail licensing if the State does not. Please think of us as strong and supportive partners where youth access to tobacco and nicotine is concerned.

Oregon is one of only 11 states that does not require a license to sell tobacco, the leading cause of preventable death. Tobacco retail licensing is being implemented by states and local jurisdictions across the country, and it has proven very effective in reducing sales to minors. A study of 26 communities with strong licensing laws showed dramatic decreases in sales to minors in all but one. In 11 communities, the youth sales rate dropped by over 30 percent.³

As part of the Family Smoking Prevention and Tobacco Control Act of 2009, local governments have expanded authority to regulate products that contain tobacco, such as adopting specific bans on the time, place, and manner of cigarette advertising and promotion. Without knowing

¹ U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.

² Email correspondence dated 11/13/2014 with Jeff Ruscoe, Synar Program Coordinator for the State of Oregon.

³ Tobacco Control Legal Consortium, License to Kill?: Tobacco Retailer Licensing as an Effective Tool, April 2010. <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-retailer-2010.pdf>

who is selling tobacco, Multnomah County does not have a mechanism to implement and enforce other tobacco laws.

Tobacco retail licensing would allow us to identify all retailers selling tobacco to consumers in the community; educate them about existing and new laws and regulations pertaining to the sale of tobacco products; provide an efficient enforcement mechanism to ensure that retailers comply with laws regarding sales to minors; and allow for better control over where and how tobacco and nicotine can be sold.

Finally, please reconsider the vape shop exemption to the Indoor Clean Air Act. There is a growing body of evidence that second hand vapor is not just “water vapor” but rather contains a variety of potentially harmful heavy metals, chemicals⁴ and particulates that can be “passively vaped.”⁵ At best, this exemption creates confusion and difficulties enforcing smoking prohibitions; at worst it exposes vape shop employees and unsuspecting individuals sharing the same indoor ventilation system to the potential harms of second hand vapor.

Thank you for the opportunity to weigh in on this vital public health legislation.

Sincerely,



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⁴ Grana, R., N. Benowitz, and S. Glantz, Background Paper on E-cigarettes. Center for Tobacco Control Research and Education, University of California, San Francisco and WHO Collaborating Center on Tobacco Control, 2013.

⁵ Schripp, T., et al., Does e-cigarette consumption cause passive vaping? Indoor Air, 2012. 23(1): p. 25-31.