



To: Chair Hass, Senators Riley, Edwards, Boquist and Baertschiger Jr.
From: Dr. Tia Henderson
Date: May 18, 2015
Re: Tobacco Retail License Policy, SB 0663

Good morning, my name is Dr. Tia Henderson, the Research Manager at Upstream Public Health, a statewide nonprofit focused on improving the health of all Oregonians through sound policy. Thank you for this opportunity to submit comments today, I ask you to make amendments to this bill before passing it.

I want to commend the legislators for having brought forward this policy to protect the next generation's health and prevent Oregon youth from starting to use tobacco and nicotine products. I appreciate in this version of the bill that you clarify that the owner of the license must be held accountable for penalties and infractions. In your capacity as youth protectors I urge you to amend the existing policy to add several features:

- Please add that any education, training and enforcement related to licensing be culturally responsive including available in different languages as well as paper versions to prevent any barriers to compliance for business owners and their staff and to ensure that all neighborhoods, regardless of economic hardship or cultural and racial background, receive balanced protection without harm¹.
- I request you add back in the prohibitions section from other versions of this bill that prevented retailers from selling items at a price discount, using coupons, and providing free samples. Upstream is working on a Health Equity Impact Assessment, supported with funding from the Knight Cancer Institute Community Partnership Program at Oregon Health & Science University, to examine how this policy could affect residents in Multnomah County. In that analysis we learned that these are practices that the tobacco industry continues to use to encourage addictions². Research tells us that youth buy items at lower cost. This provision can also help our many community members seeking to quit smoking who are nudged by repeated incentives to keep buying the products³.
- Please ensure that local county jurisdictions have the ability to further restrict tobacco retailer behaviors, such as limiting future locations around schools, that may affect youth access to tobacco and e-cigarette products.
- Further, we request you make it clear that the Oregon Health Authority has the ability to suspend or revoke this license in relation to a set number of infractions that could be determined in the administrative rule making process.

Tobacco retailer licensing can protect the common good: research indicates that in other states with this policy⁴, it helps reduce youth access to tobacco through enforcement of laws preventing sales to minors and through reduced access to items that are sold at lower cost which can be appealing to youth. If we could successfully lower our current rate of youth smoking by just two percentage points, the state could prevent nearly 30,000 kids from growing up to become adult smokers, saving nearly 10,000 lives and saving \$484.6 million dollars in health care costs⁵. Tobacco retail licensing helps protect and support

¹ Gottlieb et al., (2004), Minors' tobacco possession law violations and intentions to smoke: implications for tobacco control. *Tobacco Control*, (13) 237-243.

² Kim, A.E., Loomis, B.R., Busey, A.H., Farrelly, M.C., Willett, J.G., and H.R. Juster, (2013). Influence of retail cigarette advertising, price promotions, and retailer compliance on youth smoking-related attitudes and behaviors, *Journal of Public Health Management Practice*, 19(6), E1-9.

³ Health Equity Guide: Point-of-sale strategies to address access and exposure to tobacco products, Centers for Disease Control and Prevention, 2014

⁴ American Lung Association in California, Center for Tobacco Policy & Organizing. 2013. *Tobacco Retail Licensing is Effective*, <http://center4tobaccopolicy.org/wp-content/uploads/2013/09/Tobacco-Retailer-Licensing-is-Effective-September-2013.pdf>

⁵ Broken Promises to Our Children: A State-by-State Look at the 1998 State Tobacco Settlement 16 Years Later, 2014.

the community through reducing youth access to tobacco products. The sooner we have a policy in place, the sooner we'll see these communitywide benefits. Thank you for your time.

Dr. Tia Henderson
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