



## **Testimony in Opposition of SB 799**

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March 30, 2017

Chair Monnes Anderson and members of the committee:

Thank you for the opportunity to submit written testimony in support of robust protections and enforcement of the Indoor Clean Air Act which allows Oregonians to live healthier, more productive lives. The Oregon Nurses Association is proud to represent nearly 15,000 Oregon nurses, working in settings from large hospitals to small local clinics, corrections and community-based public health. ONA nurses are intimately aware of the detrimental effects of smoking and second hand smoke, which is why we have been supportive of continued expansion of the Indoor Clean Air Act (ICAA) to include e-cigarettes.

The FDA has not regulated e-cigarettes as a cessation device and we support the World Health Organization's recommendation that e-cigarettes be regulated in the same ways as traditional cigarettes and other tobacco products. Due to lagging federal actions, there is no consistency in vaping liquids. Beyond nicotine, the chemicals and products that make up the liquids can and do vary greatly. These additional ingredients also have the potential to carry serious health risks, depending on the concoction. Thus, their use should be highly regulated in public places in accordance with the ICAA.

Senate Bill 799 specifically creates exemptions to the Indoor Clean Air Act by allowing customers to vape in stores. Although sampling liquids should not contain nicotine, because of the poor regulations there is no way to ensure that. However, allowing sampling of e-liquids with or without nicotine would compromise the health of patrons, employees and other tenants by fundamentally distorting the ICAA.

As the bill is currently written, sampling would be allowed in a shop were the maximum seating capacity is 10, still enabling many more patrons to stand and sample vapor products. Unlike the current ICAA exemption for OHA-certified smoke shops which requires a maximum of 4 seats, SB 799 has no restrictions as to whether vape shops could allow video lottery or allow or sell food or beverages on the premises. The bill also has no minimum requirements for adequate ventilation systems and does not require the shop to be in a stand-alone structure. These provisions would put many Oregonians at risk, and open the door for more dangerous exemptions to keeping our air clean and chemical-free.

The Indoor Clean Air Act has been tremendously successful in limiting second-hand smoke and vapor. For those Oregonians who wish to use e-cigarettes, there are a number of options already afforded in the ICAA. The state does not need to carve out additional spaces for patrons to vape or choose between several flavored e-liquids to purchase.

According to the Department of Health and Human Services, e-cigarettes are now the most commonly used tobacco product among youth, surpassing conventional cigarettes in 2014, and the use of e-cigarettes is strongly associated with the use of other tobacco products among youth.<sup>1</sup> The state should be working to limit e-cigarette use, not carve out additional spaces to vape, which is why ONA members strongly urge your no vote on SB 799.

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<sup>1</sup> US Department of Health and Human Services, E-cigarette use among youth and young adults. Report of the Surgeon General, 2016.