

Health Department

April 13, 2017

Senate Committee on Health Care
900 Court St. NE - HR B
Salem, Oregon 97301

RE: SB 998 - Tobacco Retailer Registry

Chair Monnes Anderson and members of the committee; I am Dr. Jae Douglas, the Environmental Health Services Director for Multnomah County Health Department. Thank you for providing me the opportunity today to testify in strong opposition to SB 998, including the -2 amendment.

The -2 amendment adds in statute the definition of enclosed areas for the Indoor Clean Air Act. We strongly oppose this, and believe that this level of detail is best suited for the rulemaking process to allow flexibility for changes as conditions change over time.

Oregon has a problem with tobacco retailers selling cigarettes to our youth. During the 2015-2016 enforcement inspections conducted by the Oregon Health Authority, 16% of retailers sold cigarettes illegally to youth under 18 years old¹. The capacity for strong enforcement of local tobacco policies are considered a best practice for addressing tobacco sales to youth.² SB 998 is not this, and will not reduce youth access to tobacco.

SB 998 creates a tobacco retailer registry administered by the Department of Revenue, with a nominal fee of \$25 dollars per year. Enforcement authority is provided to the Oregon Health Authority for the registry, but without adequate funding attached. This effectively makes this law unenforceable, and will not bring down Oregon's high rates of sales to minors.

Additionally, we are concerned that this bill preempts local jurisdictions from stronger tobacco retail regulations. As you know, Multnomah County began licensing tobacco retailers on July 1, 2016. As of February 28, 2017, we have successfully licensed 737

¹ Weston TE. Re: Enforcement Inspections- sales to minors rate? *Re: Enforcement Inspections- sales to minors rate?* April 2017. Email correspondence.

² American Lung Association in California, Center for Tobacco Policy & Organizing. 2013. *Tobacco Retail Licensing is Effective*
<http://center4tobaccopolicy.org/wp-content/uploads/2016/10/Tobacco-Retailer-Licensing-is-Effective-September-2013.pdf>

retailers who have paid an annual fee of \$580 in order to lawfully sell tobacco and nicotine inhalant products in Multnomah County. Outreach and education to retailers is important for the success of this program - it is our intent to provide education and assistance to tobacco retailers to help them comply with the ordinance and to enforce penalties in accordance with our rules.

Although we appreciate that Multnomah County's Tobacco Retail License program would be grandfathered in under this bill, we support the ability for other local jurisdictions to enact additional requirements for local tobacco control beyond those required by state and federal law. Local control allows for a more agile response to new products that emerge on to the market. Also important, local control means local elected officials can determine the policies best suited to address the ongoing epidemic of tobacco use and associated health impacts in their community.

While we recognize that this bill is trying to address the lack of information we have about who is selling tobacco products in communities across Oregon, SB 998 is not the solution to the public health crisis of our youth becoming addicted to deadly tobacco products. We urge you to not pass SB 998 and instead enact a robust Tobacco Retail Licensing program that will help reduce youth access.

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