



## **Testimony in Opposition to SB 998**

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Oregon Nurses Association

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Chair Monnes Anderson and members of the committee:

Thank you for the opportunity to submit written testimony in opposition to Senate Bill 998. The Oregon Nurses Association is proud to represent nearly 15,000 Oregon nurses working in almost every health care setting imaginable from large hospitals to small local clinics, from corrections to school based health centers, and community-based public health.

ONA members recognize the significant health and economic costs of tobacco and nicotine use which is why we have actively engaged in enacting robust public health policies around prevention and cessation. Tobacco use is widely known to cause heart disease, diabetes, asthma, and cancer, ultimately leading to \$1.1 billion in lost productivity due to premature tobacco-related deaths in Oregon.<sup>1</sup>

However, at the core of successful prevention and cessation policies is adequate enforcement of current and future tobacco and nicotine laws through a robust, statewide retail licensure system. When used to enforce policies, licensing can reduce the number of Oregon youths who become addicted to tobacco, help current tobacco users quit, and reduce health care costs for the State of Oregon.<sup>2</sup> Without a tobacco retail licensure structure in place, point of sale and tobacco tax policies are incredibly difficult to enforce. Unfortunately, Senate Bill 998 would create an incredibly weak registration system that would do little to meaningfully enforce Oregon's current and future laws.

The Oregon Health Authority has cited three key components in a retail licensure system to effectively enforce laws and keep kids from using tobacco: meaningful fees and penalties to support and sustain the system; the ability to suspend or revoke licenses; and no mechanism to preempt local governments from enacting stronger policies. Unfortunately, SB 998 does not achieve any of these three goals. The bill imposes a nominal \$25 fee per retailer, likely insufficient to cover the costs of a robust and effective program. The bill also has limited ability to revoke licenses when a retailer has violated the law, and only follows the FDA penalty schedule for selling to a minor: an initial warning letter followed by a civil penalty of \$250 if two violations occur within the same year, increasing for additional violations.<sup>3</sup> Further, SB 998 would likely preempt localities from passing and implementing their own ordinances regulating tobacco. This preemption would include a number of cities and counties that are actively in the process of enacting comprehensive licensure systems.

An effective tobacco retail licensure system is an important mechanism to ensure responsible retailing and compliance with important public health laws. The vast majority of other states have retail licenses in order to enforce tobacco and nicotine laws and curb youth access and addiction. Unfortunately, SB 998 does not have the effective components of a tobacco retail licensure system to meaningfully impact prevention and cessation. ONA urges you to consider a much more robust and effective policy than the proposal outlined in the bill.

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<sup>1</sup> OHA Tobacco Fact Sheet 2014

<sup>2</sup> SB 663 OHA Testimony <https://olis.leg.state.or.us/liz/2015R1/Downloads/CommitteeMeetingDocument/76735>

<sup>3</sup> Retail Compliance Check Inspections and FDA Actions <https://www.fda.gov/downloads/TobaccoProducts/GuidanceComplianceRegulatoryInformation/UCM501406.pdf>