

Senate Bill 754 A
May 2017

Vote Explanation:

I voted no on SB 754 A after considering the following facts:

1. The first "Tobacco 21" legislation was in Needham, Massachusetts, during the period 2005-2008. It was intended to be a symbolic gesture, but there was a surprise result. The legislation included the concept of "aging out" the use of tobacco, and it was found that tobacco use by Needham High School students decreased by more than half, while in other MetroWest suburbs not covered by the legislation, tobacco use by minors dropped only slightly. As of February 2017 this type of legislation included the states of Hawaii and California as well as two hundred and twenty (220) counties and municipalities. I dedicated some sixty (60) hours of research to this project, and found that the original Tobacco 21 from Needham, Massachusetts appears to be the Gold Standard in reducing tobacco use in young adults. Based on my research I concluded that this was due to allowing the tobacco users to "age out" rather than attempting immediate termination, as is the approach of SB 754 A, which has no grandfather clause.
2. Additional services. Most health care insurance providers do offer assistance in helping their clients to stop using tobacco, but in Oregon five percent (5 %) of Oregonians still do not have healthcare coverage and this population included a higher percent of tobacco users than the general population, according to my studies. I concluded that this group would be disproportionately left out of any program designed to deal with their addiction to nicotine.
3. Senate Bill 754 A does not take in to consideration the fact that active duty military service members who are less than twenty-one years of age will continue to have access to tobacco products on Oregon military bases, but the service members will be unable to legally acquire or use tobacco products while on home leave in Oregon. This creates an untenable legal standard.
4. Reduction or elimination of services based on the fiscal impact statement for SB 754 A include;
 - a. ODOT Elderly and Disabled Special Transportation Program
 - b. OHA non-Medicaid Community Mental Health Programs
 - c. OHA Public Health programs related to tobacco prevention and cessation.
5. Jobs will be lost. According to the Office of Legislative Counsel, some small businesses will be required to terminate employment of workers age 18 to 20. Testimony in the House Health Care Committee stated there are some thirty (30) small Smoke Shop businesses and an estimated total of twelve employees that will be affected.
6. No amendments to SB 754 A were allowed in Committee, even though several were offered.

The above concerns reflect my vote on Sb 754 A, both as a Healthcare provider and a tobacco cessation advocate for over twenty-three years. The elimination of funding for various programs in this bill does not conform to my firm belief that education about the negative consequences of tobacco usage is better than punitive citation.

Representative Cedric Hayden



From: Mayer Mark
Sent: Monday, April 24, 2017 9:28 AM
To: Rep Hayden
Subject: sb 754

Follow Up Flag: Follow up
Flag Status: Completed

Representative Hayden:

You asked whether A-engrossed Senate Bill 754 prohibits 18, 19 and 20 year old individuals from selling tobacco products or electronic cigarettes or working in, managing or owning a business that primarily sells tobacco products or electronic cigarettes. With one exception, the answer to your question is no. Under current law, an individual who is younger than 18 is not prohibited from selling tobacco products or working in, managing or owning a business that primarily sells tobacco products or electronic cigarettes. A-engrossed Senate Bill 754 does not change the fundamental approach to how the law currently applies to tobacco product and cigarette sales. It merely changes the age required to purchase such products.

For your perusal, here is a list of sections to the bill and what each one does that should help you formulate your policy decisions with respect to A-engrossed Senate Bill 754.

Section 1: Definitions (uses current definitions)

Section 2: Prohibits selling tobacco products and electronic cigarettes to individuals under 21 years of age (decreases penalties for store clerks from existing law; creates penalties for store manager and store owner that are not in existing law)

Section 3: Requires posting required age to purchase tobacco products and electronic cigarettes (same as in current ORS 163.580)

Section 4: Prohibits possession of tobacco products and electronic cigarettes by individuals under 21 years of age (no penalty attached)

Section 5: Clarifies legal standard for existing statutory language and proposed statutory language in section 2

Sections 6, 7: Updates vending machine law

Section 8: Updates placement of tobacco products and electronic cigarettes law

Section 9: Retains current prohibition against individual under 18 years of age from possessing tobacco products or electronic cigarettes (unlike new prohibition against individuals under 21 years of age, specifies Class D violation)

Section 10: Updates signage law

Section 11: Updates Oregon Health Authority investigatory law

Section 12: Updates smoke shop law (**this is the one type of shop where an individual who is 18, 19 or 20 would no longer be able to work; NOTE: a smoke shop is not an establishment where you can purchase cigarettes; it is a shop where you can both purchase and consume cigarettes (the name of these establishments often confuses people)**)

Section 13: Updates delivery law

Section 14: Updates school policy law

Sections 15, 16, 17: Updates laws setting forth affirmative defenses to identity theft crimes

Sections 18 to 26: Nonsubstantive conforming changes

Section 27: Repeals “minor in possession of tobacco products or electronic cigarettes” statute (harshest penalties against minors for smoking or vaping are codified here: Class C violation and possible suspension of a person’s driver’s license).

As for the impact that releasing 18, 19 and 20 year old individuals from the employment of smoke shops would have on Oregon employment benefits, there are only a few of these shops in the state (I would look the information up, but I wanted you to have this email before today’s hearing) so I don’t think it would have a substantial impact on those benefits.

Hope that helps for todays hearing,

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