

Health Department

July 1, 2017

Joint Committee on Ways and Means Subcommittee on Capital Construction
900 Court St. NE - HR E
Salem, Oregon 97301

Re: SB 235B Tobacco Retail Licensing and Enclosed Area Definition and the -B10 amendments

Co-Chairs Girod and Holvey, members of the committee, my name is Rachael Banks and I am the Interim Public Health Director for Multnomah County Health Department. I am writing to oppose the -B10 amendments which would remove Tobacco Retail Licensing from Senate Bill 235B. In addition, Multnomah County opposes the inclusion of the definition of enclosed area in the bill.

We oppose the -B10 amendments that remove tobacco retail licensure from the bill. Tobacco retail licensing is a necessary mechanism to enforce minimum legal sales age laws with all retailers. The majority of States across the nation have implemented tobacco retail license programs. We encourage implementing a statewide tobacco retail licensing program to ensure all retailers in Oregon are equipped with the appropriate information and tools to keep tobacco and nicotine inhalant products out of the hands of our youth.

The Multnomah County Tobacco Retail License program has been successful in identifying tobacco retailers across our community, and has provided a way for us to educate them and promote compliance with tobacco retail laws.

As of Spring 2017, we have issued over 725 licenses. Within the first year of the program, we conducted over 200 outreach visits. Having a license program has provided a mechanism to reach out to retailers and distribute education materials tailored to their needs.

Multnomah County is concerned that SB 235B includes a definition of “enclosed area” for the Indoor Clean Air Act that will be put into state statute. In 2015, legislators removed the definition of enclosed area from statute, knowing that that level of detail is better suited to the rulemaking process that allows for the engagement of stakeholders.

As the Tobacco Prevention Manager responsible for implementing the Indoor Clean Air Act (ICAA) in 2009, I saw first hand the need for a rulemaking process that is adaptable and addresses the needs of specific situations. It can be difficult to craft language exactly right the first time, and making these changes in rules allows for a much more flexible process as well as the opportunity to work with a wide variety of stakeholders. Having the definition in rules is more protective and allows the Oregon Health Authority (OHA) to adapt as necessary.

For example, in 2016, the definition of an enclosed area was tightened up from the one that is being proposed in today's bill. It soon became obvious that it was still not the right definition, so enforcement was halted and OHA convened a rules advisory committee. This advisory committee is currently in the process of determining the best definition that meets the needs of businesses yet still protects employees and the public from the effects of secondhand smoke exposure.

Thank you for the opportunity to share our support of tobacco retail licensure and opposition to the -B10 amendments. I am happy to answer any questions you may have.

Sincerely,

Rachael Banks, MPA
Interim Public Health Director
Multnomah County Health Department