



**DEPARTMENT OF JUSTICE**  
OFFICE OF THE ATTORNEY GENERAL

DATE: February 6, 2020

TO: Senator Monnes Anderson, Chair of the Senate Committee on Health Care

FROM: Kate Denison, Legislative Policy Analyst, Oregon Department of Justice

SUBJECT: SB 1577 – Flavor Ban for Inhalant Delivery Systems

This testimony is presented in support of SB 1577.

**Background:**

Youth are using tobacco products at an alarming rate. According to the CDC, approximately 31.2% of high school students and 12.5% of middle school students reported using tobacco products in 2019. Electronic cigarettes (“e-cigarettes”) are the most commonly used product tobacco product among young people, and – despite recent declines in the rate of cigarette smoking – the current vaping epidemic is threatening years of public health progress.

With e-cigarettes being marketed in kid-friendly flavors like mango, fizzy lemonade, strawberry gummy and even “milk and cereal,” it is not hard to see why these products appeal to young people. In fact, a recent Dartmouth-Hitchcock Medical Center study found that adolescent and young adult vapers were more likely than older adult vapers to use fruit- and candy-flavored e-cigarettes. It also found that current cigarette smokers who tried to quit smoking in the past year were more likely than non-cigarette smokers to use tobacco-flavored e-cigarettes.

Because nicotine has a harsh flavor often unpalatable for first-time smokers, flavor additives like those contained in e-cigarettes can be used to make a more alluring gateway to nicotine addiction. Nicotine is toxic for adolescents with developing brains, as they are more susceptible to both the addictiveness and harmful effects of nicotine. Nicotine actually changes the adolescents’ brain cell activity in the parts of the brain that are responsible for attention, learning and memory. Even breathing e-cigarette aerosol that someone else has exhaled poses potential health risks.

**Concept:**

SB 1577 will prohibit the sale or distribution in Oregon of all flavored e-cigarettes, or “inhalant delivery systems,” other than tobacco. The ban applies to sales at all locations, from brick-and-mortar shops to online marketplaces. The Oregon Health Authority will have enforcement authority under SB 1577, including the authority to issue civil penalties of up to \$5,000 for each violation.

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