

## HB 3090 A STAFF MEASURE SUMMARY

### House Committee On Behavioral Health and Health Care

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**Action Date:** 04/03/23

**Action:** Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

**Vote:** 6-5-0-0

**Yeas:** 6 - Bowman, Dexter, Nelson, Nosse, Pham H, Tran

**Nays:** 5 - Conrad, Diehl, Goodwin, Javadi, Morgan

**Fiscal:** Fiscal impact issued

**Revenue:** Revenue impact issued

**Prepared By:** Brian Nieubuurt, LPRO Analyst

**Meeting Dates:** 3/21, 4/3

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#### WHAT THE MEASURE DOES:

Prohibits distributing, selling, attempting to sell, or allowing to be sold flavored inhalant delivery system product or flavored tobacco product in Oregon. Defines "flavored inhalant delivery system product," "flavored tobacco product," and "characterizing flavor." Exempts hookah lounges. Permits local government ordinance, rule, or regulation imposing more stringent requirements or prohibitions on flavored tobacco products or flavored inhalant delivery system products. Becomes operative on July 1, 2024.

#### ISSUES DISCUSSED:

- Health impacts of tobacco products
- Prevalence of flavored tobacco product usage among youth
- Potential positive and negative state budget implications of flavor ban
- Health equity impacts of flavored tobacco products
- Use of flavored inhalant delivery system products in assisting smoking cessation
- Potential impacts to small businesses

#### EFFECT OF AMENDMENT:

Exempts hookah lounges. Permits local government ordinance, rule, or regulation imposing more stringent requirements or prohibitions on flavored tobacco products. Changes operative date to July 1, 2024. Removes emergency declaration.

#### BACKGROUND:

According to the Centers for Disease Control and Prevention (CDC), tobacco product use is started and established primarily during adolescence, with nine out of 10 daily adult smokers having first tried tobacco by the age of 18. Flavored products particularly help drive tobacco use among youth, with three-quarters of middle and high school students who reported using a tobacco product in the past 30 days indicating that they used a flavored product during this time. In 2009, the Family Smoking Prevention and Tobacco Control Act gave the U.S. Food and Drug Administration (FDA) regulatory authority over tobacco products and put a national ban on flavored cigarette products with the exception of menthol. In 2019, then-Governor Brown signed Executive Order 19-09, which would have put a ban on the sale of flavored vaping products. The Oregon Court of Appeals put a stay on this ban for tobacco products.

In November 2019, Massachusetts became the first state to restrict the sale of all flavored tobacco products, including menthol cigarettes. In 2020, New Jersey, New York, and Rhode Island enacted bans on the sale of flavored e-cigarettes; California also became the second state to prohibit the sale of both flavored e-cigarettes and menthol cigarettes.

**HB 3090 A STAFF MEASURE SUMMARY**

House Bill 3090 A prohibits the distribution and sale of flavored inhalant delivery system products and flavored tobacco products in Oregon.