



House Committee on Behavioral Health & Healthcare

March 19, 2023

Honorable Chair Nosse, Vice-chairs Goodwin & Nelson, and distinguished Committee Members,

As Mayor of Lake Oswego I am grateful to provide this testimony in support of HB 3090. Thank you to our representatives and senators for bringing this legislation forward and to you all for receiving public testimony.

Big Tobacco and allies put forth an insidious, frankly absurd narrative that the only cure for their devastatingly harmful flagship merchandise is to allow consumers to purchase another highly addictive and dangerous product. Unlike traditional nicotine cessation products, the goal of e-cigarettes/vaping is not to ween consumers off harmful chemicals but to simply transfer the addiction to an affiliated cash flow for the tobacco industry. While e-tobacco products certainly look different than traditional tobacco, the business model is identical: fierce, lifelong addiction. The array of kid-friendly flavors under question serves only to ensure a massive pipeline of new, young consumers for this industry. Big tobacco books profits, taxpayers bleed the social costs and consumers ultimately pay with their lives. Now what was a dying dinosaur thanks to decades of education, hard fought public health policy and, consequently, sweeping changes in social attitudes towards smoking is thrust back to life as young Oregonians begin using vape products at such early ages the consequences are yet fully understood.

State intervention is needed. Currently, local jurisdictions may ordain time, place and manner restrictions that limit tobacco retailers from locations frequented by youth. But those efforts do not eliminate what is an easy-to-access product nor do they mitigate advertising and product placement efforts aimed squarely at appealing to underage users. Recent age restrictions are helpful yet youth adoption rates and recent retail audit results show point-of-sale controls are not stemming the problem. It's time to flip the tables. Under Oregon's Tobacco Retail License program, a statewide ban on flavored tobacco is the clear and most legally sound path toward a healthy future for all Oregonians.

History seems to work itself back around. As a child I witnessed my family, owners of a now 47 year-old Lake Oswego restaurant, agonize extensively over whether or not to voluntarily ban indoor smoking as Oregon adopted the original Smokefree Workplace Law in 1996, a law that exempted bars and restaurants. Despite a healthy bar business

that revolved around long-established, smoking patrons, my family recognized the desire of our employees and other guests for a cleaner, healthier environment. We stopped allowing indoor smoking in 1996 and emerged from the transition not only unscathed but improved as a business. At the same time health-conscious local jurisdictions began enacting bans on indoor restaurant smoking, and business owners began lobbying the legislature for a level playing field across the State. The same uneven dynamic for retailers is playing out now as Oregon's two largest counties voted to enact flavored tobacco bans.

The calculus today is the same today as it was then: does the good achieved in social benefit through sound public health policy outweigh the apparent infringement to individual choice? I would argue it does. You are empowered as a governing body to elevate the welfare of our youth over the toxic power of corporate marketing. Individual choices that carry vast social impacts require the law to intervene. You as lawmakers have an opportunity to override an economic narrative Oregon's own history shows is false. Every young Oregonian from every background deserves a long, healthy life, and prioritizing the welfare of vulnerable community members should come ahead of any economic concern, real or well imagined. I implore you all to prioritize the health of Oregon's youth and to safeguard the welfare of all communities and support HB 3090.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Buck", with a stylized flourish at the end.

Mayor Joe Buck