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House Committee of Behavioral Health and Health Care  
500 Summer Street NE  
Salem, OR 97301

Dear House Committee Members,

My Name is Cody Payne, and I am with Doyles Sheehan. We are a small family-owned business who conducts business throughout the State of Oregon by servicing convenience stores, smoke shops, liquor stores, and dispensaries with products to resell. I am writing you today to ask you to oppose HB 3090, which would ban the sale of flavored tobacco products and inhalant delivery systems.

Prohibition does not work. It never has, and it never will. Case in point, Oregon embraced the legalization of recreational marijuana in recent years. This was a product that was readily available on the black market prior to legalization. Additionally, we as a state have even gone so far as to decriminalize the personal use of small amounts of hard drugs such as heroin, meth, cocaine, LSD, etc. Yet, adults won't be able to buy or sell a cherry flavored cigar should HB 3090 pass. This does not make any sense. By banning the sale of flavored tobacco products and inhalant delivery systems the state would be removing products from a regulated marketplace and opening the flood gates to the illicit market. These federally legal tobacco products and devices will still be available in other states, and they will find their way back into Oregon to be sold on the streets without question. Stopping youth access to these adult products is key, but an outright ban on flavored tobacco products and devices is simply not the answer. We have several laws in place to protect our youth, and we need to focus on enforcing those laws including the age-restriction laws in place to protect those who are underage.

Adults like flavors, and that's why when fall comes around tons of adults go to Starbucks to grab their pumpkin spice latte. The same is true for regulated and age-restricted products such as alcohol and marijuana. Right now, I can go to any one of the state regulated liquor stores and purchase numerous options of flavored vodka, whiskey, gin, etc. These include flavors that would be appealing to kids. The same idea holds true when visiting dispensaries. You can find hints of pineapple, blueberry, and other fruit forward flavors in various marijuana strains. In fact, it's a selling point to the adults who make the choice to consume these legal age-restricted products, and that's exactly why dispensaries include tasting notes just like you see on the shelves where you buy wine. They also use strain names that are appealing to kids like wedding cake, pineapple express, and fruity pebbles to name a few. It shouldn't be a surprise that adults want flavored tobacco items as well, and that's why flavored tobacco makes up roughly 35% of all tobacco sales in retail stores. Again, we need to enforce the laws that were created to prevent youth access to these products. If it can be done for alcohol and cannabis, then it can be done for tobacco.

If HB 3090 passes it will have major financial repercussions for the State of Oregon and the retailers throughout our state. The majority of flavored tobacco products are taxed at 65% of the distributor's cost, and that generates millions and millions of dollars in tax revenue for the state. Alcohol and marijuana are both sold at a much lower tax rate than tobacco, and yet we make the sale of flavored products in those two age-restricted categories acceptable. It just doesn't make sense to single out tobacco. The retailers throughout the state of Oregon will also take a huge blow to their bottom line, and many will be forced to close their doors or layoff numerous employees should HB 3090 pass. What kind of message does this send to your constituents during a time when inflation is high and the economy is struggling? These retailers are the frontline of preventing our youth from getting access to age-restricted products just like liquor stores and dispensaries. If those retailers selling tobacco products are selling or marketing to youth, then they should be penalized for doing so. The state has a tobacco retail licensing program in place, and those licenses can be leveraged or revoked for repeat offenders.

I encourage you to oppose HB 3090 and focus the effort on enforcing the laws that were put into place to stop youth access to these age-restricted products. If we can make it work for alcohol and cannabis, then we should be able to do it with other federally legal products like tobacco. Please oppose HB 3090.

Best regards,

Cody Payne