



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

DATE: March 21, 2023

TO: Representative Rob Nosse, Chair  
House Committee on Behavioral Health and Health Care

FROM: Kate Denison, Deputy Legislative Director  
Oregon Department of Justice

SUBJECT: House Bill 3090 – Tobacco Flavors and Synthetic Nicotine

This testimony is presented in support of HB 3090.

Tobacco use remains the leading cause of preventable death and disability in the United States. Attorney General Ellen Rosenblum is particularly concerned with the alarming rate of youth tobacco use. Preventing youth tobacco use is critical to addressing the nation-wide smoking epidemic because tobacco use is primarily started during adolescence. According to the CDC, approximately one in six high school students and four out of every 100 middle school students reported using tobacco products in the last 30 days.<sup>1</sup> Electronic cigarettes (“e-cigarettes”) have been the most used tobacco product among youth since 2014.

Attorney General Rosenblum has consistently advocated for stronger policies that prevent youth tobacco initiation. She and her colleagues around the country have urged the FDA to exercise its regulatory authority to ban all characterizing flavors in all tobacco products, including menthol. She co-led an investigation into JUUL Labs’ marketing practices, which resulted in a settlement that limits JUUL’s ability to advertise to youth.<sup>2</sup>

Flavored tobacco products play a major role in the youth e-cigarette epidemic: 85.5% of high school students and 81.5% of middle school students who used tobacco products in 2022 reported using flavored tobacco.<sup>3</sup> Flavor additives mask the harsh taste of tobacco and nicotine, which makes cigarettes and other tobacco products a more alluring gateway to nicotine addiction. HB 3090 would prohibit the sale or distribution in Oregon of all flavored tobacco products, including menthol cigarettes, e-cigarettes, and synthetic nicotine products.

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<sup>1</sup>[Youth and Tobacco Use | Smoking and Tobacco Use | CDC](#)

<sup>2</sup> <https://www.doj.state.or.us/media-home/news-media-releases/oregon-leads-438-million-agreement-with-juul-labs/>

<sup>3</sup> [Youth and Tobacco Use | Smoking and Tobacco Use | CDC](#)

Synthetic nicotine is another product that has fallen outside existing tobacco regulations, such as age verification. Synthetic nicotine is created in a laboratory—not derived from tobacco—and has become increasingly popular. These products are often sold as pouches with flavored nicotine powder that dissolve in the user’s mouth. HB 3090 would bring synthetic nicotine under the Oregon Health Authority’s regulatory authority, ending a regulatory loophole and subjecting these products to age verification and other requirements.

The Department of Justice supports strong restrictions on flavored tobacco and synthetic nicotine products and urges the committee’s passage of this important public health measure.

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