

Dear Chair Nosse, Vice Chairs Goodwin and Nelson, and members of the committee,

My name is Marcus Nettles, and I am testifying today as a small business owner in Portland, OR, a consumer, and the parent of a young adult in opposition of HB3090. I was present for the public hearing on March 21, 2023, but unfortunately, I was not called to speak to the committee directly.

At the public hearing, there were many comparisons between the health effects of smoking tobacco and vaping, and both nicotine inhalant forms were spoken about as if they are the same product. I find it important to clarify that vaping products are NOT tobacco. While vaping suppliers are required to obey the same laws and requirements as tobacco distributors, and pay a 65% Tobacco wholesale tax, there is absolutely zero tobacco in our products. We are not supported by massive multi-million-dollar companies. We do not use a combustible product and the products we do use are scientifically proven to be 95% safer than traditional cigarettes.

It didn't take flavored nicotine devices becoming popularized for millions of people - children, and adults alike- to become attracted to smoking cigarettes. There was a statement made at the hearing by one of the health professionals, that, since the introduction of the T21, vaping has decreased amongst youth. If this bill is passed and vaping is no longer an option, history shows that smoking will increase. People will go back to what they had before. Getting rid of vapes will not get rid of the desire to enjoy nicotine.

I started Rose City Vapors in 2014 with the sole mission to help people get off cigarettes, with a proven healthier option, that allows the user to wean themselves off nicotine completely. We've helped a massive amount of people regain a quality of life they thought they had lost because of the effect that smoking cigarettes has had on their lives. Unlike the convenience store CEO who was proud to mention his "near flawless" record of passing secret shops conducted by the state to find stores in violation of selling to minors, we at Rose City Vapors are 100% flawless and have never failed a secret shop. Vape Shops don't allow people under 21 in the doors, so the threat of youth getting them from us is almost irrelevant. Regarding this very issue, I would like to recommend much steeper penalties and fines for those who violate this law.

Flavored nicotine is important to the success of keeping people off cigarettes. Flavors don't only appeal to minors, which was made evident at the hearing when the entire committee went diving into that bag of Starbursts. Where is the concern for minors who are abusing alcohol due to the wide variety of fruity/sweet/candy flavors? Why no concern for the overconsumption of marijuana based on the descriptive names that read very appealing to youth, e.g., Girl Scout Cookies, Pink Runtz, Pineapple Express? If the state can control these substances enough to continue to allow the safe sale of these products, it seems very logical to assume that the State could apply the same guidelines to flavored nicotine, in an equally safe and acceptable manner.

I have compiled a small list of solutions that I would like to propose for your consideration on this matter:

- Steeper penalties and fines for those that violate the T21 law:
  - 1<sup>st</sup> offense \$10k fine and a 6 month ban on all tobacco sales.
  - 2<sup>nd</sup> offense \$20k fine and a lifetime ban on tobacco sales.
- Control Vaping the same way you control alcohol and marijuana.
- Remove all vape products from convenience stores/anywhere minors are permitted.