



To: Representative Rob Nosse, Chair and Members of the House Committee on Behavioral Health and Health Care

Re: Opposition to House Bill 3090

The Oregon Neighborhood Store Association opposes HB 3090, which would prohibit the sale of flavored tobacco products. If the objective is to address the issue of minors and the use of electronic cigarettes, we firmly believe there are better options.

Imposing a total ban on all flavored tobacco products, including menthol cigarettes, and prohibiting legal sales to adults will create serious problems for the state. If certain products are not available in Oregon, legal adult purchasers will seek other outlets or utilize online purchasing options. In Oregon, consumers will turn to the bordering states of Washington, Idaho, and Nevada. Increased cross borders sales, as well as black markets and online purchases will rob Oregon of significant tax revenue.

The growth of black markets is a very real threat. After the State of Massachusetts imposed a flavor ban, the State Department of Revenue reported the smuggling of untaxed, flavored tobacco products increased by 308% following the ban.

Further, a new illegal market for these products will put a large strain on law enforcement authorities, which are already overwhelmed trying to keep our State safe. These law enforcement agencies are already without staff and resources and don't need a new surge in crime surrounding a tobacco flavor ban.

Surveys by the Oregon Health Authority indicate the vast majority of underage tobacco users do not obtain their products via retail outlets. Most minors access tobacco products from family and friends. However, it is also a sad truth that online purchasing options for tobacco products make it easy for underage purchasers.

The new statewide tobacco licensing program, approved in 2021, is intended to improve enforcement of the laws and regulations governing the sale of tobacco products and inhalant delivery systems. The impact of the enhanced educational efforts associated with this new licensing program has yet to be fully realized.

Finally, the U.S. Food and Drug Administration should be allowed to continue with appropriate actions on the federal level in regard to flavored e-cigarette products. FDA banned over 55,000 flavored e-cigarette products in 2021 and is still reviewing other products, as well as new applications.

The imposed ban on all flavored tobacco products in HB 3090 will not specifically address the issue of youth access to electronic cigarettes, but it will cause serious problems in terms of lost state tax dollars and increased demands on law enforcement agencies.

ONSA is convinced other alternatives for the youth issue need to be sought beginning with the re-establishment of the Minor in Possession penalties, as well as continued educational programs for youth which have achieved a decline in youth use of tobacco products.

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