

Health Department

February 6, 2020

Senate Committee on Health Care
900 Court St. NE - HR A
Salem, Oregon 97301

Re: SB 1577 - Prohibits distributing, selling or allowing to be sold flavored inhalant delivery system products.

Chair Monnes Anderson, Vice-Chair Linthicum, and members of the Committee, my name is Rachael Banks and I am the Public Health Director for Multnomah County Health Department. Thank you for the opportunity to provide testimony in support of SB 1577.

Multnomah County strongly supports SB 1577 in the nationwide effort to curb our teen vaping epidemic and to help the numerous community members who are now addicted to nicotine due to initiation through flavored tobacco products. The Multnomah County Board has been thoroughly briefed on the dangers of flavored tobacco products and the extremely rapid increase of use among our youth. We encourage the State to join us and take on fighting against the tobacco industry and the lifelong health impacts on our youth and communities by banning all flavored tobacco products and inhalant delivery systems.

Multnomah County will continue to work on this public health issue because tobacco use is the leading cause of preventable death in the County and Oregon. We know that our youth are attracted to flavors and have faced heavy and persistent marketing tactics to encourage flavored tobacco product consumption. The tobacco industry continues to develop new and varied flavored products to widen and increase its market. We must be equally diligent and persistent in our actions to reduce and close this market, particularly for our young people.

Our efforts in Multnomah County alone are not enough, as the public health impacts affect the entire state. A state-wide flavor ban would provide for more thorough enforcement, and therefore wider impacts.

Effects of flavor bans: A ban on flavored tobacco products reduces sales and

decreases the odds of ever using tobacco products among teens. Daily, jurisdictions nationwide are adopting and implementing flavor bans to improve their tobacco control impact. The State of Oregon should join the 220+ jurisdictions tackling flavors in tobacco products and inhalant delivery systems.

State-wide vs local jurisdiction action: In Multnomah County, we have heard from retailers who express dismay about customers who will simply purchase these harmful products in other nearby jurisdictions if Multnomah County adopts a ban. We agree that a comprehensive, state-wide ban would end flavored product sales in a consistent manner, protecting youth and other customers regardless of where they live.

Tobacco Retail Licensing: Multnomah County strongly supports a state-wide Tobacco Retail Licensing program. TRL is a foundational and versatile regulatory tool for tracking and monitoring tobacco product retailers. Without TRL, enforcement for tobacco control violations is haphazard and inconsistent, making data collection and evidence-based regulation very difficult. We must know exactly who is selling tobacco products and to whom they are selling these products in order to adopt regulations that best protect and support the community. We also recognize that local jurisdictions may have different problems to regulate and may need to vary how they regulate.

Multnomah County's Tobacco Retail Licensing program is entering its second year of enforcement, following three years of regulatory and program development and retailer outreach and education. Multnomah County's TRL program engaged local stakeholders and was developed for the specific needs of the community. The program was created to fit the contours of Multnomah County and is self-sustaining through the collection of annual license fees and civil penalties.

As a result, Multnomah County is supportive of state-wide TRL IF the Multnomah County program is grandfathered in with specific allowance for any appropriate future regulations and fee structure that may be stronger than those adopted for the State, including the authority to adopt fees, time, place, and manner regulations. We appreciate the thoughtful and thorough legislation in SB 1577-1 (LC 290) for local public health authorities who have adopted tobacco retail licensing programs.

FDA's failure to act and the limits of current federal policy: Multnomah County also supports a state-wide flavor ban and TRL because of the FDA's slow and ineffective efforts regarding flavors and their continued approval of menthol. Due to FDA inaction and weak enforcement efforts, the market is flooded with flavored products and millions of young people are addicted to nicotine as a result. FDA-specific support for menthol

has created a disproportionate impact on our Black and African American and LGBTQ+ community members. Multnomah County has been educating the community about the dangers of menthol for over ten years, but education without a ban will not effectively deter consumption.

Multnomah County began learning about flavored inhalant delivery systems over 6 years ago and quickly began educating our community about the dangers of flavors. The FDA is only now acting and their guidance and action appear temporary, with a focus on returning flavored products to the market as soon as possible. The State acting to ban flavors in both combustible tobacco products and inhalant delivery systems would move Oregon into a position of protecting our youth and other community member. We can no longer wait for federal action to do so. The very health of our future generations is at stake.

Thank you for your time and I am happy to answer any questions you may have.

Thank you,

Rachael Banks, MPA
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Multnomah County Health Department