

HOUSE COMMITTEE ON GENERAL GOVERNMENT

February 17, 1997 Hearing Room D

1:00 P.M. Tapes 22 -23

MEMBERS PRESENT:

Rep. Ken Strobeck, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Jim Hill

Rep. Bob Montgomery

Rep. Kurt Schrader

Rep. Liz VanLeeuwen

Rep. Tom Whelan

STAFF PRESENT:

Jeri Chenelle, Administrator

Timaree Whitty, Administrative Support

MEASURE/ISSUES HEARD:

HB 2076 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
TAPE 21, A		
004	Chair Strobeck	Opens meeting at 1:16 p.m. Opens public hearing on HB 2076.
007	Jeri Chenelle	Committee Administrator gives summary on HB 2076.
011	Chair Strobeck	Asks if any witnesses have traveled over 100 miles.
015	Pamela Erickson	Administrator of the Oregon Liquor Control Commission (OLCC). Submits written testimony in support of HB 2076 (EXHIBIT A). States that the measure would increase efficiency of state resources by allowing OLCC agents to issue citations for the sale of tobacco to minors. Notes that the

		measure has no fiscal impact.
044	Larry Didier	Prevention Technician for the Office of Alcohol and Drug Abuse Programs, Oregon State Department of Human Resources. Submits written testimony in support for HB 2076 (EXHIBIT B). Mentions federally established targets requiring decreasing tobacco sales to minors, and the block grants contingent upon those targets. Mentions present state statutes and the increased use of tobacco among minors.
080	Didier	Mentions an investigation which found that minors succeeded in buying tobacco 40% of the time. Notes that tobacco is a "gateway drug."
096	Didier	Suggests amendment to the bill to include anti-preemption language. Recommends that current New York law be used as a model.
110	Rep. Hill	Asks how often OLCC agents are in stores and how effective the measure will deal with the problem.
122	Erickson	Responds that Dick Evans will explain the practical application of the measure.
128	Richard B. Evans Sr.	Director of the Field Services for the OLCC. States that his agents check premises "quite often" for noncompliance with alcohol regulations and that the measure would allow them to enforce tobacco regulations simultaneously.
138	Rep. Gardner	Asks of the effects of a citation.
142	Evans	Responds that selling tobacco to a minor is a violation requiring a court appearance subject to a fine of up to \$200.00.
148	Rep. Gardner	Asks about the use of the money collected through such fines.
151	Didier	Clarifies that the fine is anywhere from \$100 to \$500, which goes toward a general fund.
158	Rep. Gardner	Asks how many citations are issued per year.
160	Didier	Refers to investigation's finding of a 40% success rate, expresses desire to reduce that percentage below 20%.
175	Rep. VanLeeuwen	Asks for a breakdown of the block grant funding.
188	Didier	Responds that the OLCC receives no block grant money, but that the Office of Alcohol and Drug Abuse Programs receives \$13 million every year for prevention and treatment of alcohol and drug abuse. Notes that the federal block grants are contingent upon reduced tobacco accessibility, and so the OADAP is looking more closely at tobacco than in the past. Expresses appreciation with OLCC's willingness to help.
210	Rep. VanLeeuwen	Asks if OLCC will need additional funds to incorporate this task.
211	Erickson	Answers that it will, but that the additional task will not be "extensive" and thus not costly.
212	Rep. Whelan	Asks for a description of a site visit by a OLCC agent.
218	Evans	Explains that a visit typically follows a complaint. Gives a description of a typical investigation.

236	Rep. Whelan	Questions the priority of enforcing tobacco regulations relative to enforcing liquor regulations.
239	Evans	Weighs the penalties and procedures regarding tobacco regulation versus those regarding liquor regulation.
248	Chair Strobeck	Asks who currently regulates tobacco sales.
252	Didier	Answers that there is no agency directly responsible. Mentions that the OADAP is required to do random site inspections.
268	Chair Strobeck	Asks how it is determined that a violation has occurred.
273	Evans	States that OLCC's agents are experienced at determining age, and that based on a minor's appearance they may decide to interrupt a sale.
284	Rep. Schrader	Asks if anyone can report an illegal sale to a minor.
286	Evans	Answers yes, and that it happens frequently.
300	Rep. Montgomery	Suggests that the OLCC concentrate on liquor and not worry about tobacco. Questions the association made between tobacco use and marijuana use. Asks how many people are currently policing illegal tobacco sales.
306	Didier	Responds that the OADAP doesn't have sufficient staffing. Mentions a program where retired police officers accompany a 14-year old into a store to investigate that store's activities.
340	Rep. Montgomery	Asks how much money is spent to employ retired police for this program.
343	Didier	Answers \$32,000 a year.
350	Chair Strobeck	Asks if the 40% figure is derived from this program.
353	Didier	States that the program targets stores known or suspected of selling to minors, but that the 40% figure came from a random study. Notes that vending machines are no longer inspected.
380	Rep. Hill	Asks for a clarification of the policing procedure. Expresses incredulity with the lack of a fiscal impact.
TAPE 23, A		
001	Erickson	States that tobacco regulation would be a minor part of OLCC's activities, but that tobacco regulation would easily fit into present activities.
007	Rep. Hill	Suggests that the legislation may actually limit agents' authority.
010	Evans	Comments on the OLCC's lack of authority to cite for illegal sales.
025	Rep. Whelan	Cites personal experience dealing with heroin overdoses and proclaims that tobacco is definitely a "gateway drug." Cites study showing increased tobacco use among youth and ask the witness to explain the increase.
031	Didier	Cites a returned romanticism with smoking and blames it on the media. Notes the enormous advertising campaign of the tobacco industry, and the industry's

		financial dependence upon underage sales.
049	Chair Strobeck	Agrees with the witness and suggests that the measure is a good "first step."
050	Rep. Gardner	Asks if the fines go towards a general fund.
051	Didier	Responds that his office is investigating the use of those funds.
061	Chair Strobeck	Cites that if the statute dictates that the money goes toward the general fund there is no reason to suspect that the courts aren't complying. States that there was legislation passed in the '93 session specifically prohibiting the regulation of tobacco laws by OLCC officers.
066	Gary Oxley	Representative for United Grocers and Plaid Pantry Stores gives testimony opposing HB 2076. States that retailers are doing a good job curtailing tobacco sales to minors. Mentions Plaid Pantry's employee policy prohibiting tobacco sales to minors with the penalty for such sales being employment termination. Cites original legislation creating the OLCC and its specific instruction to deal with alcohol; states that HB 2076 gives the commission authority much broader than originally intended.
110	Mark Nelson	Representative of Southland Corporation, 7-11 stores, and RJ Reynolds gives testimony opposing HB 2076. States that 7-11 takes the issue seriously. Discusses past legislation related to this bill, and related to licensing.
160	Nelson	Continues discussion on past legislation. Cites different protocol relating to the use of minors in sting operations. States that there has been progress made under the current program. Expresses support for increasing sting operations under the current program.
192	Rep. Whelan	Asks what sort of protocol would be violated by OLCC using a minor.
197	Nelson	Responds that OLCC doesn't use children and so doesn't have protocol. States that the 7-11 stores don't want an expansion of the overall licensing scheme.
225	Rep. Whelan	Comments on the increase in tobacco use under the current program.
230	Nelson	Opines that the sting operations have been successful.
238	Rep. VanLeeuwen	Asks about funding of sting operations relative to overall funding.
242	Nelson	Responds that the office used \$32 thousand out of the \$40 thousand it had reserved.
257	Chair Strobeck	Asks about the success rate of minors purchasing alcohol.
260	Nelson	Responds that he doesn't know.
265	Chair Strobeck	Asks if store clerks are aware of OLCC officers.
270	Nelson	Responds affirmatively.
287	Rep. Hill	Asks if there are any stores in the United Grocers association that don't sell alcohol.
290	Oxley	Answers that all the stores sell alcohol.
300	Rep. Hill	Mentions that gas stations sell tobacco and aren't subject to sting operations.

		Questions whether HB 2076 will be effective legislation.
310	Rep. Schrader	Wonders if there will be future costs to the state in expanding OLCC's jurisdiction.
326	Chair Strobeck	Adjourns meeting at 2:07 p.m.

Submitted By, Reviewed By,

Timaree Whitty, Jeri Chenelle,

Administrative Support Administrator

Transcribed By,

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EXHIBIT SUMMARY

A - HB 2076, written testimony, Pamela Erickson, 2 pp.

B - HB 2076, written testimony, Larry Didier, 5 pp.