

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL
ADMINISTRATION

April 14, 1993 Hearing Room E 1:15 p.m. Tapes 74 - 76
MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Ken Baker Rep. Jim
Edmunson Rep. Tom Mason VISITING MEMBER: Rep. Kate Brown STAFF
PRESENT: Carole Souvenir, Committee Counsel Melanie Thompson,
Committee Clerk MEASURES CONSIDERED: HB 2950 - Free Distribution of
tobacco products HB 3065 - Distribution of tobacco product replicas HB
3066 - Relating to minors

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 74, SIDE A

001 CHAIR BRIAN: Calls the meeting to order at 1:25 p.m.

HB 2950. HB 3065 & HB 3066 - PUBLIC HEARING Witnesses: Rep. Del Parks,
Dist. 53 Rep. Lisa Naito, Dist. 15 Dr. Jonathan Klein, University of
Rochester, NY Dr. Kathleen Zavela, Northern University of Colorado Jim
Bouton, Jim Bouton Industries Michael Skeels, Oregon Health Division
Susan King, Oregon Nurses Association Jim Carlson, Oregon Medical
Association Brenda Niblock, American Lung Association of Oregon Margaret
Mitchell, Oregon Health Groups on Smoking Health Brian DeLashmutt,
Oregon Health Groups on Smoking Health Steve Smith, Oregon Research
Institute Bill Geiger, Oregon Mint Snuff Co. Jim Markee, National
Association of Chewing Gum Manufacturers House Commi~ee on ludiciaq
Subcommilbre on Civil L~V and Ju&ial Ad~ - tion April 14, 1993 - Page 2

Mitch Hornacker, National Association of Chewing Gum Manufacturers Rich
Radford, Andrew Minsker Ltd., Inc. Ron Rush, Marie Mills Center

HB 2950 Prohibits the free distribution of tobacco products to anyone
regardless of age HB 3065 Creates a crime for the distribution of any
food product that is designed, shaped, or packaged to resemble tobacco
products. HB 3066 Allows parents or legal guardians of minors to bring
in an action against anyone who furnishes food products resembling
tobacco products to a minor.

005 REP. MASON: Opens the meeting at 1:20 p.m.

038 REP. DEL PARKS, DIST. 53: Begins testimony in support of HB 2950,
HB 306 5 and HB 3066. 054 CAROLE SOUVENIR, COMMITTEE COUNSEL:
Explains some witnesses will be using teleconferencing system.

063 CHAIR PARKS: Continues with testimony and sponsors of the bills.

080 DR. JONATHAN KLEIN, ASSISTANT PROFESSOR PEDIATRICS, UNIVERSITY OF
ROCHESTER, ROCHESTER, NEW YORK: Testifies in support of the bills. Gives
various statistics and research data supporting the bills.
(teleconference call)

210 CHAIR PARKS: Addresses HB 3065 and HB 3066. Explains the purpose
and focus of the bills.

248 JIM BOUTON, PRESIDENT, JIM BOUTEN CORPORATION: Submits and
test)ifies in opposition to HB 3066 and HB 3065. (EXHIBIT A)

(teleconference call)

381 DR. KATHY ZAVELA, ASSOCIATION PROFESSOR, UNIVERSITY OF NORTHERN COLORADO: Submits and reviews testimony on HB 3065 and HB 3066. (EXHIBIT B) (teleconference call)

TAPE 75, SIDE A

063 CHAIR PARKS: Asks the witness what is her area of expertise and training.

064 DR. ZAVELA: Has a Master of Public Health degree, Doctorate in Health Education, has done tobacco cessation research since 1986.

080 CHAIR PARKS: Asks the witness if her testimony is a compilation of other facts and statistics and not her own research.

081 DR. ZAVELA: Used federal reports for some of the testimony.

091 CHAIR PARKS: Asks the witness who hired her to perform the mint snuff research. House Committee on Judiciary Subcommittee on Civil Law and Judicial Administration April 14, 1993 - Page 3

093 DR. ZAVELA: Explains she received a small grant and did the research as part of her job as a professor at the University of Northern Colorado.

098 CHAIR PARKS: Asks when the research was done.

099 DR. ZAVELA: Fall of 1990 and the Spring of 1991.

117 CHAIR PARKS: Asks what an imitation cigarette that will blow smoke is called.

120 DR. ZAVELA: Explains she doesn't know the name of them, but the cigarettes were used in the theater.

171 CHAIR PARKS: Addresses Rep. Lisa Naito's amendment to HB 3066.

184 REP. LISA NAITO, DIST. 15: Submits and reviews testimony in support of HB 3066 and submits an amendment regarding smoking in restaurants. (EXHIBITS C & D) 233 CHAIR BRIAN: Asks if the amendment would include private rooms in hospitals. 236 REP. NAITO: Yes.

244 CHAIR PARKS: Would like to vote on HB 2950, HB 3065, and HB 3066 when the bills go to a work session. 285 BRIAN DELASHMUTT, OREGON HEALTH GROUPS ON SMOKING HEALTH (OHGOSH), OREGON NURSES ASSOCIATION: Testifies in support of H, B 2950, HB 3065. 367 STEVE SMITH, OREGON RESEARCH INSTITUTE: Submits and reviews testimony in support of HB 3065 and HB 2950. (EXHIBIT E) 489 REP. BROWN: Asks how the witness feels about mint chew being used for those trying to get off of tobacco chew.

TAPE 74, SIDE B

041 SMITH: Explains he is not familiar with research supporting the use of mint snuff, only familiar with the candy cigarette research. Discusses the sending in for free samples of tobacco products and the selling of single cigarettes.

111 CHAIR BRIAN: Asks the witness if he had any concerns prohibiting single cigarettes for people who are trying to quit smoking.

116 SMITH: No, the majority who purchase single cigarettes are kids.

119 REP. BAKER: Asks the price of single cigarettes.

120 SMITH: 45 cents.

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135 DR. MICHAEL SKEELS, ADMINISTRATOR, OREGON HEALTH DIVISION: Testifies in support of HB 3066, HB 3065, HB 2950. Submits a fact sheet on tobacco statistics. (EXHIBIT F)

162 REP. BAKER: Asks the witness to explain respiratory conditions in newborns.

163 DR. SKEELS: Explains there are two effects of the mother smoking. Continues with testimony. Discusses an advertisement for tobacco products.

236 REP. BAKER: Asks if the number \$250,000,000 included the cost of the product or was it just the cost distribution program of tobacco.

240 DR. SKEELS: Not sure, believes it was the value of the tobacco products themselves. Explains that three states prohibit the free distribution of tobacco products. 282 CHAIR BRIAN: Asks the witness how he feels about using products like Big League Chew for those trying to get off of smokeless tobacco. 287 DR. SKEELS: Explains the only evidence he's seen relates to candy cigarettes. Believes the look-alikes are a gateway to using tobacco products. 305 CHAIR BRIAN: Asks the witness about using mint snuff.

309 DR. SKEELS: Doesn't have any expertise in that area.

313 REP. EDMUNSON: Comments he hasn't heard any testimony suggesting candy cigarettes will help people trying to quit smoking.

337 REP. BAKER: Asks if HB 2950, regarding the free distribution of tobacco products, if it also includes mailing away for the product.

340 DR. SKEELS: Yes. 345 REP. BAKER: Asks if the witness has information on whether or not the prohibiting of free distribution effects the federal commerce clause. 349 DR. SKEELS: Doesn't know.

352 REP. BROWN: Asks how standing on a street corner is targeting young people.

361 DR. SKEELS: Explains the tobacco industry is using various other methods to sell their product.

378 JIM CARLSON, OREGON MEDICAL ASSOCIATION: Testifies in support of HB 2950, HB 3065 and HB 3066. . 436 SUSAN KING, RN, OREGON NURSES ASSOCIATION: Submits and reviews testimony in support of HB 2950. (EXHIBIT G) House Committee on Judiciary Subcommittee on Civil Law and Judicial Administration April 14, 1993 - Page 5

TAPE 75, SIDE B

053 BRENDA NIBLOCK, AMERICAN LUNG ASSOCIATION: Submits and reviews testimony in support of HB 2950, HB 3065, HB 3066. (EXHIBIT H)

141 REP. BAKER: Asks if the bans in King County and Multnomah County are total bans on tobacco products. 142 NIBLOCK: Explains the ban is

on free distribution of tobacco products within the counties but not on coupons. 153 MARGARET MITCHELL, CHAIR, OREGON HEART ASSOCIATION LEGISLATIVE AFFAIRS COMMITTEE and OHGOSH: Testifies in support of HB 2950, HB 3065, and HB 3066. 248 JIM MARKEE, NATIONAL ASSOCIATION OF CHEVING GUM MANUFACTURERS: Submits and reviews testimony in opposition to HB 2950, HB 3065, and HB 306 6. (EXHIBIT I, J, K, & L) 297 MITCH HORNACKER, SCHWABE & VVILLIAMS ATTORNEYS, NATIONAL ASSOCIATION OF CHEWING GUM MANUFACTURERS: Submits memorandum on the constitutionality of HB 3065 and HB 3066. (EXHIBIT M) 374 CHAIR BRIAN: Asks about the current restrictions on electronic media, and asks if there is limitation on billboard advertising of liquor. 380 HORNACKER: Explains the laws are federal. 413 MARKEE: Explains there is no evidence that the non-tobacco and non-alcoholic products themselves are harmful to anyone. 452 RON RUSH, EXECUTIVE DIRECTOR, MARIE MILLES CENTER: Submits and reviews testimony in opposition to HB 2950, HB 3065, and HB 3066. (EXEIIIBIT N)

TAPE 76, SIDE A

042 REP. BAKER: Asks if the shredded jerky could be packaged in a different way.

044 RUSH: Explains the Marie Milles Center contract their labor from the manufacturer and do not make the decision on the type of packaging used.

051 RICH RADFORD, VICE PRESIDENT OF MARKETING, ANDREW MINSKER LTD., INC: Submits and reviews written testimony in opposition to HB 3065 and HB 306 6. (EXHIB11 O) 119 CHAIR BRIAN: Asks if the mint chew is edible. 121 RADFORD: Yes. House Committee on ludiciary Subcommittee on Civil Law and ludicial Administration April 14, 1993 - Page 6

146 BILL GEIGER, OREGON MINT SNUFF CO.: Submits and reviews written testimony in opposition to HB 3065, HB 3066 and HB 2950. (EXHIB11 P) 198 CHAIR BRIAN: Asks the witness if he has any market or demographical data as to who buys his product.

200 GEIGER: Explains it is hard to determine who buys his product.

235 REP. MASON: Comments no one has testified on look-alike non-alcohol products.

273 CHAIR BRIAN: Adjourns the meeting at 3:40 p.m.

Submitted by: Reviewed by: Melanie Thompson Anne May Committee
Clerk Committee Coordinator

EXHIBIT LOG:

A - Testimony on HB 3065 and HB 3066 - Jim Bouton - 7 pages B -
Testimony on HB 3065 and HB 3066 - Dr. Kathleen Zavela - 17 pages C -
Amendments to HB 3066 - Rep. Lisa Naito, Dist. 15 - 1 page D -
Testimony on HB 3066 - Rep. Lisa Naito, Dist. 15 - 22 pages E -
Testimony on HB 2950 and HB 3065 - Steven Smith - 5 pages F -
Testimony on HB 2950, HB 3065, and HB 3066 - Dr. Michael Skeels - 1 page
G - Testimony on HB 2950 - Susan King - 1 page H- Testimony on HB
2950 and HB 3065 - Brenda Niblock - 3 pages I - Testimony on HB 2950,
HB 3065 and HB 3066 - Jim Markee - 6 pages J - Testimony on HB 2950,
HB 3065 and HB 3066 - Jim Markee - 4 pages K - Testimony on HB 2950,

HB 3065 and HB 3066 - Jim Markee - 1 page L - Testimony on HB 2950,
HB 3065 and HB 3066 - Jim Markee - 1 page M - Testimony on HB 3065 and
HB 3066 - Mitch Hornacker - 7 pages N - Testimony on HB 2950, 3065, and
3066 - Ron Rush - 2 pages O - Testimony on HB 3065 and HB 3066 - Rich
Radford - 38 pages P - Testimony on HB 2950, HB 3065 and HB 3066 - Bill
Geiger - 9 pages

These minutes contain an article which summarizes and/or summarizes
the meeting minutes. Only text enclosed in quotation marks
reports Quaker's exact words. For complete copy of the proceedings, please
refer to the tapes.