

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.

HOUSE COMMITTEE ON JUDICIARY CRIME AND CORRECTIONS

June 14, 1991Hearing Room 357 12:00 p.m.Tapes 125 - 126

MEMBERS PRESENT:Rep. Randy Miller, Chair Rep. Ray Baum Rep. Judy Bauman Rep. Tom Brian Rep. Rod Johnson Rep. Tom Mason Rep. Del Parks Rep. Ron Sunseri

STAFF PRESENT: Greg Chaimov, Committee Counsel Jeff Steve, Committee Assistant

MEASURES HEARD:HB 3590 - PH

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TAPE 125, SIDE A

004 CHAIR RANDY MILLER: Opens Subcommittee on Criminal Law and Corrections at 12:10 p.m.

HB 3590 - MINORS IN POSSESSION OF TOBACCO - PUBLIC HEARING Witnesses:Jim Carlson, Oregon Medical Association Brian DeLashmutt Mark Nelson, Southland Corporation Alan Melnick, M.D. Michael Skeels, Health Division

017 JIM CARLSON, OREGON MEDICAL ASSOCIATION: Speaks to HB 3590, HB 2493, and HB 2897.

Testifies in support of all three bills.

065 CHAIR MILLER: Would you suggest that most nine and ten year olds are buying cigarettes over the counter?

072 CARLSON: Suggests the problem is more focused in the age group 12 to 17.

Data will be presented by representatives of the American Lung Association of Oregon which will show the age of children who participated in a study the Association did.

118 CHAIR MILLER: Would you want to ban tobacco products within any

public institution?

125 CARLSON: Talking about the narrow issue of children, we do not believe it is in the public interest, nor is it good public policy for the state of Oregon to condone the use of tobacco products by minors in any facility over which the state has control or which it supports.

132 CHAIR MILLER: If Oregon law was that a person under the age of 18 could not possess tobacco products, do you think that would put a stop to the system and negate the need for that particular bill?

136 CARLSON: Hopes so. Believes there is a need to address in state law, a policy statement that minors should not be allowed to use or possess tobacco products in school districts or anywhere else.

142 CHAIR MILLER: If you can't sell it to them and they can't use it, a lot of the other stuff is surplus.

148 CARLSON: The problem in Oregon is that children have easy access to the product wherever tobacco is sold. I.D. is not requested to purchase tobacco products and unattended vending machines are also a problem.

160 CHAIR MILLER: If we passed the law respecting possession, people under 18 will know about it. At what point should we hold people responsible for their own conduct?

189 CHAIR MILLER: Recesses at 12:25 p.m. for call of the House.

196 CHAIR MILLER: Reconvenes at 12:40 p.m.

201 BRIAN DeLASHMUTT: Testifies in favor of HB 3590.

222 CHAIR MILLER: Recesses at 12:43 for call of the House.

222 CHAIR MILLER: Reconvenes at 12:48 p.m.

225 DeLASHMUTT: Continues his testimony in support of HB 3590, HB 2493, and HB 2897.

284 CHAIR MILLER: Would you allow smoking to go on at any place on school grounds?

302 DeLASHMUTT: We did not have any hand in drafting HB 2493.

Our major concern is the minors. We would have concerns about drafting a bill in such a way that you deal with the problem of smoking in schools but would not handicap facilities where school functions might occur.

321 CHAIR MILLER: If my bill on prohibition is passed it would take care of the school problem with respect to minors.

336 DeLASHMUTT: HB 2493 does have some merits. We are sending a misguided picture to children when we say that they can't smoke and we have adults smoking.

Not sure the problem is solved with HB 3490.

358 CHAIR MILLER: Do you believe the current prohibition of selling

tobacco products to minors is not enforced?

364 DeLASHMUTT: Yes, because it is a low priority with district attorneys.

377 CHAIR MILLER: Recesses at 12:58 p.m. for call of the House.

378 CHAIR MILLER: Reconvenes at 1:07 p.m.

382 DeLASHMUTT: Speaks about a bill in Human Resources Committee.

397 MARK NELSON, SOUTHLAND CORPORATION: Testifies in support of HB 3590 as printed.

Testifies in support of HB 2897.

Testifies in opposition to HB 2493.

TAPE 126, SIDE A

034 CHAIR MILLER: Do you believe current law is not being enforced?

038 NELSON: Agrees with Mr. DeLashmutt that current law is not being enforced. Does not agree that the answer is to pass more laws or empower the Health Division to have cigarette police going to retail stores in Oregon.

Thinks the answer is dealing with the minor in possession which HB 3590 does.

055 REP. BAUMAN: Would the tobacco industry participate in the cost of treatment and enforcement related to tobacco products?

069 NELSON: We object to a tax increase.

We do not agree that larger tax increases will control the morality or use of tobacco.

081 REP. BAUMAN: Maybe should assign tax collected into a program to police and enforce the laws against the distribution of these products to minors.

087 NELSON: There was discussion at the beginning of the session about the reallocation of existing tax dollars for that purpose.

The tobacco industry is strongly in favor of the enforcement of current laws.

106 REP. EDMUNSON: Are you supporting a criminal sanction against the possession of tobacco products by minors because you recognize that tobacco is a deadly drug that kills Americans?

112 NELSON: No, because state law requires that retailers not sell to juveniles and HB 3590 says that juveniles can't buy.

120 REP. EDMUNSON: Will the tobacco industry publicly admit that tobacco is a dangerous drug?

124 NELSON: In the opinion of the tobacco industry, tobacco is not a dangerous drug.

138 ALAN MELNICK, M.D., WASHINGTON COUNTY: Reads (EXHIBIT A) giving reasons

to support the bills before the subcommittee.

182 CHAIR MILLER: Do you know how many states make possession unlawful?

183 MELNICK: Unable to answer.

190 MICHAEL R. SKEELS, M.D.: Reads (EXHIBIT B) in support of HB 3590.

213 REP. PARKS: How do you substantiate your figures for harm caused from secondary smoke?

216 MELNICK: That number is determined by an estimate based on careful studies of the frequency of deaths from smoking caused diseases in non-smokers who live and work with smokers and those who do not.

Will provide studies for committee members.

Concludes reading (EXHIBIT B).

305 CHAIR MILLER: Recesses hearing on HB 3590 and recesses Subcommittee at 1:30 p.m.

Adjourns at 2:08 p.m.

Transcribed by,

Pat Zwick

EXHIBIT LOG: A:HB 3590 - Testimony - Alan Melnick - 2 pages B:HB 3590 - Testimony - Mike Skeels - 2 pages