

House Committee on Judiciary Subcommittee on Crime & Corrections June 18, 1991 - Page

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 18, 1991Hearing Room 357 1:30 p.m.Tapes 127 - 128

MEMBERS PRESENT: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:Holly Robinson, Committee Counsel Jeff Steve, Committee Assistant

MEASURES HEARD:HB 3590 - PH HB 2493 - PH HB 3897 - PH SB 837 - PH SB 738 - PH TAPE 127, SIDE A

004 CHAIR RANDY MILLER: Opens Subcommittee on Criminal Law & Corrections at 3:00 p.m.

HB 3590, HB 2493, HB 2897, SB 837, SB 738 - PUBLIC HEARING

030 REPRESENTATIVE PETER COURTNEY: Reads written testimony in support of HB 249 3 (EXHIBIT A).

118 REP. BAUM: Would you object to HB 2897 being amended to eliminate the words "by students" on line 5?

135 REP. COURTNEY: No. My bill is specifically aimed at adults.

143 REP. PARKS: Asked for evidence from Dr. Skeels. Evidence was provided. Thinks that is the kind of thing that you need to base laws on.

Thinks that parents are not the only role models. Will propose that this bill be amended to include the State Capitol.

169 REPRESENTATIVE MARY ALICE FORD: States work done, and committee action on tobacco bills by Human Resources Committee. Asks that some of the provisions of those bills be incorporated into one of the bills the subcommittee is considering.

216 SENATOR GRATTAN KERANS: Testifies in support of SB 738 and urges its advancement by the subcommittee.

298 CHAIR MILLER: Where would you envision the vending machines being placed after SB 738 was passed?

306 KERANS: Where minors are not permitted without an accompanying

adult, such as a tavern or bar.

334 CHAIR MILLER: Would you support the provisions of HB 3590 which prohibits the use and possession of tobacco products by a minor?

337 KERANS: No. To pass a minor in possession statute without passing these other bills would be a fig leaf not large enough to cover the shame that we would be guilty of if we did not act.

373 CHAIR MILLER: Current law provides a misdemeanor for selling tobacco products to minors.

374 KERANS: Agrees that statutes exist but are not being enforced.

375 CHAIR MILLER: Do you think it would be a wise course for the state to enforce laws that are on the books as opposed to creating additional bureaucracy and expenses when we disregard those we now have.

380 SEN. KERANS: Speaks about SB 739 which would provide for the licensing of retail sales of tobacco products to insure they are not sold to minors, in the same way that the OLCC does through civil penalties and an administrative procedure. OLCC assures that minors do not buy beer and wine.

400 CHAIR MILLER: Would you want us to repeal minor in possession of statutes?

408 SEN. KERANS: No. I would support your bill as the last touch after trying other methods.

Do not want to jump over all other parallel statutes and go to minor in possession statutes.

TAPE 128, SIDE A

034 CHAIR MILLER and Sen. Kerans continue discussion on best way to stop use of tobacco products by minors.

068 REP. CLARK: Is there a difference between a minor walking into a convenience store and the clerk refusing to sell him cigarettes and the situation where the minor walks into a convenience store where the cigarettes are in a vending machine and the clerk asks for I.D.

093 SEN. KERANS: In the first case you have what happens in the real world. In the second case you have what only happens in hypothetical examples.

096 REP. CLARK: Could we achieve the same result if we say all vending machines will be monitored?

098 SEN. KERANS: Does not believe so. It seems unenforceable.

117 REPRESENTATIVE BOB PICKARD: My bill would have been the least controversial thing we could have done and made a statement to the children who come to the Capitol each session.

Anything the committee can do which will lessen the availability and desirability of tobacco products is a step in the right direction.

187 MARY LUNDY, OREGON ACADEMY OF FAMILY PHYSICIANS: Reads written

testimony in support of bills which will lessen smoking (EXHIBIT B).

290 JOE WELLER, AMERICAN LUNG ASSOCIATION: Reads written testimony in support of laws which require licenses for tobacco retailers, prohibit tobacco vending machines in places where minors may be present, require that schools, juvenile centers and other youth oriented facilities prohibit possession and use of tobacco by minors, and prohibit adults from giving tobacco to minors (EXHIBIT C).

TAPE 127 , SIDE B

029 REP. CLARK: Would your Association support outlawing use of tobacco by adults?

031 WELLER: No.

032 REP. CLARK: Would you agree that if we adopt SB 738 there will be people who are lawfully entitled to smoke who will have a more difficult time finding vending machines?

039 WELLER: Does not think the issue is vending machines but access to tobacco.

042 REP. CLARK: Logic dictates that if you limit the number of places where vending machines can be, people will have fewer choices.

046 WELLER: To protect children, is willing to engage in that trade off.

070 CHAIR MILLER: Have you complained to retailers who you knew were violating current statutes?

073 WELLER: Yes, without response.

074 CHAIR MILLER: Have you talked to law enforcement people about their lack of interest in enforcement?

078 WELLER: Have spoken with adults who have spoken to law enforcement officials. The answer is that they are too busy to do that enforcement.

079 CHAIR MILLER: It is confusing that when there are speeders in an area law enforcement responds. I want to enforce current law regarding tobacco and feel people like you could assist in that.

091 WELLER: Understands but disagrees. Believes best solution to the problem is passage of SB 739 which eliminates the criminal sanction in ORS 163.575.

101 CHAIR MILLER: Do you think the new law would be more enforced?

102 WELLER: Yes.

109 REP. BRIAN: What concerted efforts has the American Lung Association taken to work with school boards to try to bring voluntary uniformity.

121 WELLER: Has taken steps in that direction.

140 MARY KAY RADICH: Submits (EXHIBIT D) in support of HB 3178, HB 3177, SB 738 , and SB 739.

151 CHAIR MILLER: Recesses for Floor Session at 4:05 p.m.

Reconvenes Subcommittee at 4:55 p.m.

174 RUSTY WHITNEY: Speaks in support of HB 3590 and SB 738. Submits written testimony (EXHIBIT E).

225 CHAIR MILLER: Continues to believe that if you can't sell it, and it can't be possessed, that is a far more significant statement than the rest of the bills provide.

Believes user should bear responsibility.

219 WHITNEY: Has it occurred to you how to make existing law work other than going to licensing?

228 CHAIR MILLER: When citizens request enforcement, it usually happens.

263 WHITNEY: Thought that HB 3590 might prevent sting operations. Other states prefer to have wording in bills that exempted children who are operating with policing agency. That can be done in negotiation with local entities.

273 CHAIR MILLER: What if we pushed up the offense significantly? Compliance might be motivated.

371 PAUL WOTTON, PUBLIC HEALTH ADVISORY BOARD: Paraphrases written testimony asking support for SB 738, 739, HB 3177, 3178, and 3179 (EXHIBIT F).

TAPE 128, SIDE B

013 JIM CARLSON, REPRESENTING OREGON MEDICAL ASSOCIATION: Urges committee to address the tobacco bills in a comprehensive, rather than a piecemeal fashion.

The issues of easy access to and location of vending machines, prohibiting use of tobacco by minors on all public facilities, and adults providing tobacco to minors need to be addressed.

Believes SB 738 could be amended to specifically exempt taverns, cocktail lounges, industrial work sites, and hotels and motels from the prohibition of vending machines.

093 VIC MANN, CITY OF EUGENE: Testifies in support of SB 738.

City Council of Eugene asked staff to look at the possibility of adopting a local ordinance either to license the selling of tobacco or to restrict vending machines. Staff recommended to the Council that this is a state issue because Eugene does not have mechanisms in place to effectively deal with licensing. Recommended that if the Council took action they should use a vending machine ordinance because it could be easily adopted with minimum impact.

140 CHAIR MILLER: Adjourns Subcommittee at 5:21 p.m.

Transcribed by,

Pat Zwick

EXHIBIT LOG A:HB 2493 Testimony - Rep. Peter Courtney - 4 pages B:HB  
3590 Testimony - Mary Lundy - 2 pages C:HB 3590 Testimony - Joe Weller -  
24 pages D:HB 3178 Testimony - Mary Radich - 3 pages E:HB 3590 Testimony  
- Rusty Whitney - 1 page F:HB 3590 Testimony - Paul Wotton - 2 pages