

Written Testimony Opposing HB 5019

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Committee on Regulatory Reform

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Chairman Webber, Members of the Committee on Regulatory Reform, thank you for allowing public comment and written testimony on this critical public health issue addressing teen vaping.

My name is Jodi (Radke) Jalving. I am the Regional Director for the Campaign for Tobacco-Free Kids. Michigan is one of an eleven-state region that I work with directly on tobacco control policy and related law.

We are the leading advocacy organization working to reduce tobacco use and its deadly consequences in the United States and around the world. Through strategic communications and policy advocacy campaigns, we promote the adoption of proven solutions that are most effective at reducing tobacco use and save the most lives. We are experienced public health advocates with a more than a 20-year track record of leading and supporting successful policy advocacy campaigns that result in decreased tobacco use amongst kids and adults.

I am submitting written comment today on behalf of my organization, with strong opposition to HB 5019.

This is a flawed piece of legislation that removes critical public health protections. HB 5019 is a clear attempt to protect an industry, despite its predatory marketing to Michigan's kids.

The evidence is conclusive.

What we know:

- As of October 15, 2019, 1,479 lung injury cases associated with the use of e-cigarette, or vaping, products have been reported to CDC from 49 states (all except Alaska), the District of Columbia, and 1 U.S. territory
- Thirty-three deaths have been confirmed in 24 states
- All patients have reported a history of using e-cigarette, or vaping, products
- Since the specific causes or causes of lung injury are not yet known, the only way to assure that you are not at risk while the investigation continues is to consider refraining from use of **all** e-cigarette, or vaping, products
- The use of e-cigarettes, or vaping, products is unsafe for all ages, including **youth and young adults**. Nicotine is highly addictive and can harm adolescent brain development, which continues into the early to mid-20s

Governor Whitmer was correct in taking swift action amidst an unfolding epidemic, both nationwide and statewide, to protect Michigan's kids from the harmful effects of vaping by banning the sale of flavored vaping products.

Youth use rates are alarming, and have continued to escalate.

Flavored Products Appeal to and Attract Kids. Studies show that flavors play a major role in youth initiation and use of tobacco products. Although there has been significant progress in reducing youth cigarette smoking in recent years, overall use of tobacco products remains high due to the popularity of flavored products like e-cigarettes and cigars. Nearly 4.9 million middle and high school students reported current tobacco product use in 2018.

- 81 percent of youth who have ever used tobacco products initiated with a flavored product
- Eight out of ten youth tobacco users have used a flavored tobacco product in the past month
- At least two-thirds of youth tobacco users report using tobacco products "because they come in flavors I like"
- 64 percent report using "mint" or "menthol" flavored products

During the House Oversight Committee hearing, local vape shop owners, along with representatives from the tobacco industry and the harm reduction community all acknowledged familiarity with "The Family Smoking Prevention and Tobacco Control Act", passed federally in 2009, which clearly defines within the law, the authority to ban flavored tobacco products, including mint and menthol. In the absence of FDA action, this authority and related action to ban flavored tobacco products mirrors the action that was taken by Governor Whitmer. To be clear, the tobacco industry and local vape shop owners were aware of the potential ban of these products and that it could happen without having advance notice.

HB 5019 prioritizes the tobacco industry over Michigan's kids by creating special industry protection. This is a time when such authority should be expanded, not limited.

We strongly oppose this hostile attempt to undermine current authority, and respectfully ask that you protect the current rule, and the authority to enact such rules, by voting no on HB 5019.

Thank you.