



## **Testimony Presented to the House Committee on Oversight Protection of Youth From Nicotine Product Addiction Emergency Rules**

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The Michigan League for Public Policy has been around for 107 years. Children have been at the core of our mission from day one, as we formed in 1912 in part to address child labor laws and keep kids safe and out of factories. That commitment to kids was boosted further in 1992, when we became the Kids Count organization in Michigan, and we proudly continue to be a policy-minded and data-driven voice for Michigan kids.

And that's why we're here today, and who we're testifying on behalf of: Michigan's kids. This is not about politics. This is not about power. This is not about the free market. This is about a real and malicious threat facing—and ultimately harming and potentially killing—our kids.

As the Michigan Kids Count organization, the League fights for positive policy changes to help Michigan's youth, but we also stand up against predatory and exploitative policies—and in this case, industries—that are intentionally going after our kids.

Bubble gum. Jelly beans. Sour Patch Kids. Cinnamon rolls. Key lime pie. Lucky Charms and Fruit Loops. It sounds like a kid's dream food pyramid. But sadly, it is just a small sampling of e-cigarette vaping flavors designed to appeal to young users.

These products pair their sweet and enticing flavors with outlandish and questionable health claims designed to make users—especially kids—believe e-cigarettes are better for them than traditional tobacco products, and worse yet, that they pose no threat at all.

And the producers of these products round their sales strategy out with intentional marketing and advertisements targeting our kids. The planned, subversive product designs of many vaping and e-cigarette devices camouflage them as other items like pens and technological items. One company even advertised their product on Instagram—where the majority of users are younger—with the caption, “Mom! It's a USB drive!” That certainly doesn't sound like a slogan geared toward mature adults.

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Because it is not. With this litany of nefarious offenses, vaping is picking up right where traditional tobacco products left off and elected officials, public health advisors and child advocates like us are having to fight the same battles all over again. And what's at stake—kids' lives and healthy futures—is still the same, too.

Most sensible people, including lawmakers and parents, would agree that these tactics alone merit swift and strong action to better regulate the vaping industry. And this is just what's happening to get these products in the hands of Michigan kids. The real urgency resides in what could happen to these youth when they do.

Within the last 60 days, Michigan has had six apparent cases of vaping-associated respiratory illnesses. In addition, there have now been SIX confirmed vaping-related deaths in the nation. The Centers for Disease Control and Prevention has reported an outbreak of lung illness associated with e-cigarettes and has urged U.S. residents not to use e-cigarette products while the investigation is ongoing. And just yesterday, President Donald Trump held a policy discussion on vaping and said his administration is planning a federal ban on non-tobacco flavored vaping products.

Thankfully, Gov. Gretchen Whitmer already saw the threat to Michigan kids and knew that our state could not and should not wait any longer to do the right thing. Last week, she rightfully recognized the public health emergency e-cigarettes and vaping tools pose to Michigan residents, especially our kids, and took decisive and sweeping action against them. Whitmer's efforts are the strongest state anti-vaping policy in the nation and a swift response to the growing research of the threats these products pose.

Now, as other states and the federal government prepare to follow Michigan's lead, this committee is wrongfully calling this leadership into question. Gov. Whitmer's actions against vaping were well within her authority, and a bold and responsible response to public health data recently compiled by the Chief Medical Officer and the Department of Health and Human Services. Her policy actions are being looked at as a model, not a mistake, nationwide, and should be by her home state's Legislature as well.

This issue is a real and growing health threat, and it should not become mired in partisan politics, which unfortunately is why we're here today. I do not think overinflated concerns about the democratic process—which hasn't been held in very high esteem in recent years anyway—should cloud the urgency of this threat or the governor's need to act. As a former legislator, I know I would do everything I could to protect the health and safety of the kids in my district and around the state, and I hope that all of you would do the same.

We applaud Gov. Whitmer for refusing to wait any longer to address the danger of these products and their negative impact on the health of Michiganders, or to curtail the practices the producers and vendors are using to get them in the hands of underage kids. Instead of criticizing the governor and defending a clearly problematic and insidious product, we urge the Legislature to follow suit and craft a comprehensive policy to regulate the vaping industry once and for all.