



Testimony Presented to the House Committee on Regulatory Reform House Bill 5019 to Overturn Ban on Flavored Nicotine Vaping Products

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Since 1912, the Michigan League for Public Policy has been working to protect Michigan kids and keep them safe. We strengthened our commitment to kids even more 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 it is as that voice for Michigan's kids—and out of real concern for an urgent and growing threat to their health and well-being—that I am submitting this testimony.

Last month, the League voiced our support for Gov. Gretchen Whitmer and her sweeping action to keep flavored vaping products off of Michigan shelves, and in turn, keep Michigan kids out of hospitals and morgues.

The tobacco industry's predatory and exploitative practices to go after our kids are alarming enough. Fruit and candy flavors, outlandish and questionable health claims designed to make users—especially kids—believe e-cigarettes are safe and a healthy alternative to traditional tobacco products, sales strategies with intentional marketing and advertisements targeting our kids, and even the intentional, and subversive product designs of many vaping and e-cigarette devices to camouflage them as other items like pens and USB drives all raise concern.

These ploys are working in concert to move the needle on nicotine addiction in the completely wrong direction. Nationwide, nicotine e-cigarette use jumped 78% last year alone, and it's getting worse.

Faced with these tactics to target our kids, and this data that shows how well it's working, most sensible people, including lawmakers and parents, would agree that Michigan needs to take 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.

As of October 15, 2019, 1,479 confirmed lung injury cases associated with e-cigarette, or vaping, products were reported by 49 states (all except Alaska), the District of Columbia, and the U.S. Virgin Islands. In the past 60 days, Michigan has had 30 confirmed or probable cases of vaping-associated respiratory illnesses. Nationally, there have now been 33 *confirmed* vaping-related deaths in 24 states, including Michigan.

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 even President Donald Trump has said his administration is planning a federal ban on non-tobacco flavored vaping products.

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

But sadly, as other states and the federal government prepare to follow Michigan's lead, this committee is wrongfully taking up legislation to undo this effort and put the tobacco industry ahead of our kids. Gov. Whitmer's actions against vaping were well within her authority, and a bold and responsible response to the growing number of deaths and illnesses related to vaping nationwide. This issue is a real and growing health threat, and it should be treated as such.

We applaud Gov. Whitmer for addressing the danger of these products and their negative impact on the health of all Michiganders, especially underage kids. And it shouldn't be facing partisan opposition in the Legislature. As a former lawmaker myself, 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 will do the same. That means abiding by Gov. Whitmer's actions and rejecting House Bill 5019 to undo them.