

## SB 106 Testimony

Chairman Nesbitt, members of the committee, thank you for allowing us to speak on SB 106 and SB 155.

It's no secret that we have a problem with minors using e-cigarette and vaping devices. Our schools know it, our constituents know it, and our public health officials know it. The US Surgeon General has declared youth e-cigarette use an "epidemic", and a Centers for Disease Control survey from 2018 found that nearly 1 in 5 high school students reported using one of these devices in the previous month, a 78% increase from 2017.

Our bills will make it illegal for minors to purchase, possess, or use a vapor or alternative nicotine product. Right now, there are FDA regulations that deal with vaping, but Michigan does not have any state law that criminalizes the sale of these devices to kids.

According to the Public Health Law Center, Michigan is one of the only states that does not have any laws that make it illegal for minors to have access to vapor products. Of course, we could have enacted a law a few years ago that would have done just that. I helped sponsor a bill package similar to these bills here that passed the House overwhelmingly and the Senate unanimously back in 2014. Many of the members of this committee voted for these bills, as did the current Governor. But Governor Snyder vetoed those bills, and now our state needs to play catch up to deal with this epidemic.

In our conversations with stakeholders, we were told that we should just label these devices as a "tobacco product" and let the current tobacco regulations, and taxes, take care of them. In fact, you will hear from some anti-smoking groups later during this hearing that will tell you that they are opposed to any attempt to regulate e-cigarettes that does not classify them as tobacco.

To me, this is lazy public policy. These devices are made of metal and plastic, so they don't contain any tobacco. The nicotine liquid they use is often synthetic and not even derived from tobacco, and there are even zero nicotine liquids that can be used in these products. I don't know how you can call a liquid that doesn't even contain any nicotine, a tobacco product.

Instead of trying to shoehorn these devices into the existing tobacco regulatory structure, our bills would make it illegal for kids to have access to the devices themselves, regardless of what substance is in them. Whether it is a nicotine liquid, zero nicotine, THC, or some future substance, our bills will keep these devices out of the hands of our children, and I think that is something we can all agree on.

Thank you, and now I'll turn it over to Senator Bullock.