



TO: Senate Regulatory Reform Committee

FROM: Ken Fletcher, Director of Advocacy

DATE: March 12, 2019

RE: Senate Bill 106

Thank you, Chairman Nesbitt and members of the committee. My name is Ken Fletcher and I am the Director of Advocacy for the American Lung Association in Michigan. I appreciate the opportunity to testify today on Senate Bill 106.

The need for Michigan to take action to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels due to a 78 percent increase in high school e-cigarette use from 2017 to 2018, according to results from the Centers for Disease Control and Prevention (CDC)'s 2018 National Youth Tobacco Survey. This equals one million additional kids beginning to use e-cigarettes, placing their developing bodies and lungs at risk from the chemicals in e-cigarettes as well as a lifetime of addiction to a deadly product. This has caused the U.S. Surgeon General to declare e-cigarette use among young people an epidemic in an Advisory issued in December 2018.

The Lung Association supports keeping e-cigarettes and other vapor devices out of the hands of children, but believe it must be done in a way that protects public health. This means defining e-cigarettes as a tobacco product to ensure proper regulatory oversight, and that all Michigan laws that seek to keep tobacco products out of the hands of children apply to e-cigarettes. For this reason, we ask that you and members of this committee oppose SB 106 in its current form.

Electronic cigarette laws should mirror tobacco product laws, not circumvent them. It's important to note that the tobacco industry has a long history of supporting restrictions on youth access to tobacco products to avoid additional regulations that could also reduce tobacco use among our kids. This is also the reason they support defining e-cigarettes as anything other than a tobacco product to avoid additional restrictions on these products.

Forty Attorneys General from across the country, including former Michigan Attorney General Bill Schuette, submitted a letter to the Food and Drug Administration (FDA) on September 24, 2013, calling on them "to regulate electronic cigarettes as 'tobacco products'...as they are products 'made or derived from tobacco.'"

In 2016, the U.S Food and Drug Administration (FDA) put in place a rule extending its authority to regulate additional tobacco products, which was finalized and became effective nationwide on August 8, 2016. This recent action by FDA defines e-cigarettes as tobacco products, prohibits the sale of these products to those under 18 nationwide and requires manufacturers to disclose their ingredients to the FDA among other provisions. Michigan should not regulate e-cigarettes in a manner conflicting with this new FDA's regulation like SB 106 does.



The Lung Association also believes that Senate Bill 106 should hold those who sell e-cigarettes to minors accountable rather than the young people who have been targeted by the e-cigarette industry.

There is little evidence to support the effectiveness of penalizing use and possession by under-age individuals in reducing youth tobacco usage. One can assume that the same would be true for e-cigarettes. The fines and penalties for youth in Senate Bill 106 may have adverse consequences for youth who have already become addicted to nicotine. It could also open the door to inequitable enforcement against young people of color. It would be more effective to use local police resources to go after the retailers who are selling these products to underage people.

The Lung Association looks forward to working with all interested parties to keep e-cigarettes out of the hands of minors. Thank you for your consideration of these changes to Senate Bill 106.

Sincerely,

A handwritten signature in black ink that reads "Kenneth Fletcher".

Kenneth Fletcher,
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What States Can Do To Reduce E-Cigarette Use



1. Increase tobacco taxes and equalize rates across all tobacco products—including e-cigarettes



2. Include e-cigarettes in comprehensive smokefree air laws



3. Raise the minimum age of sale for all tobacco products to 21

COMPREHENSIVE
Quit-Smoking
Treatments
and Counseling



4. Require coverage for comprehensive quit-smoking treatments and counseling



5. Fully fund state tobacco prevention and education programs per CDC recommendations

ALL TOBACCO PRODUCTS
CONTAIN DANGEROUS CHEMICALS
NOT JUST CIGARETTES



6. Fully fund mass-media campaigns aimed at preventing youth tobacco use, and urging current tobacco users to quit



7. States and localities have the authority to restrict the use of flavored tobacco products. So why hasn't yours?

