

The Time is NOW: Michigan's Chance to Enact Strong Tobacco Policies is Here

Proposed bills will likely reduce youth initiation and health disparities, help people quit,
and return control to local health authorities

Presented by Elaine Lyon, Public Health Consultant, Tobacco Control Program, MI Department
of Health and Human Services

TOBACCO NATION: An Ongoing Crisis

Michigan is one of 13 states that make up **TOBACCO NATION**: a collection of states with the worst health outcomes from tobacco use while also being home to a disproportionate share of adult smokers.

Those states also include: ALABAMA, ARKANSAS, INDIANA, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, OHIO, OKLAHOMA, SOUTH CAROLINA, TENNESSEE, and WEST VIRGINIA

TOBACCO NATION CHARACTERISTICS:

- **Life Expectancy**: Tobacco Nation residents **live 3 years less** on average and are more likely to **die from cancer** than the rest of the U.S.
- **Health**: Tobacco Nation residents report more than **20% more “poor” physical and mental health days** than the average American.
- **Finances**: Tobacco Nation residents **earn nearly 25% less** per year than the rest of the U.S.
- **Youth Tobacco Use**: Compared to the 10 countries with the highest rates of tobacco use among youth, **Tobacco Nation ranks #5**.

Michigan has a great opportunity on its doorstep

Policies that could help our state:


1. End the sale of all flavored commercial tobacco products.
2. Impose a tax on e-cigarettes and increase the tax on all other tobacco products.
3. License all tobacco retailers.
4. Repeal state preemption language.
5. Remove purchase, use, possession penalties (PUP) for youth

Flavors HOOK Kids



Big Tobacco is marketing products in kid-friendly flavors such as gummy bear, berry blend, chocolate, peach, cotton candy, strawberry, and grape. These flavors are particularly common in e-cigarettes and cigars, as well as smokeless tobacco and hookah. And it's working:

- Flavored tobacco products play a key role in enticing kids to a lifetime of addiction.
- Flavored tobacco packaging and products resemble the candy near which they're often displayed in retailers.
- Flavored tobacco has made tobacco appealing, taste better and erased decades of progress in prevention and cessation efforts.
- Michigan has one of the highest sales to minors rates in the country!

A collage of various flavored tobacco products. In the top left, a red can of 'POP CORN' with '3MG' nicotine. Next to it is a pink and purple 'Rainbow Lollipops & CRAZY' product. In the top center, a green 'CANDY KING BATCH' can with '100ML' volume. To the right, a yellow 'APPLE PIE' product. In the bottom left, a green 'Juicy MELON CANDY' product. In the bottom center, a yellow 'VAPE LAB MENTHOL' product with '6MG' nicotine. To its right is a pink 'Slusho Tropical' product. Other products like 'Pops' and 'Panta' are partially visible in the background.

Flavored tobacco is driving the youth vaping epidemic with 85% of youth using a flavored product. In total, there are 700,000 youth vaping every single day. – Tobacco Free Kids



Hispanic youth use on the rise

- 30.3% of Hispanic youth are using flavored tobacco products
- 42.3% of Hispanic students say they are likely to use e-cigarettes in the future
- Hispanic students have the highest curiosity about future use of cigarettes and cigars



Flavors target certain communities more than others

- More menthol flavored tobacco advertising in lower income communities
- Menthol cigarettes and flavored cigars target certain communities more than others: LGBTQ people, youth, Hispanics and African Americans



M[END]THOL

*Ads like these took
them from life to
Death*



**Smoking menthol
cigarettes looked fun
and carefree in ads,
but is a deadly
addiction, in reality.**



For 60 years,

The tobacco industry has deliberately and aggressively targeted Black communities with menthol ads to boost profits. Menthol is the most popular flavor among Black smokers, as it masks the harshness of tobacco, which allows users to smoke more and making it harder to quit.

60 Years Later:

- In the 1950s, Black people represented only 5 percent of menthol smokers; today it's almost 90 percent.
- More than 70,000 Black and Brown people are diagnosed with tobacco-related disease each year (Truth Initiative, 2020).
- Menthol cigarettes are the number one killer of Black people: 45,000 deaths each year.
- Now women, youth, LGBTQ+, and people with behavioral health issues (depression, psychological distress) are using menthol at higher rates.
- Most smokers want to quit, but the addictive properties of menthol make it difficult to do so.

Local efforts to end flavored tobacco sales



Approximately 80% of the public supports ending the sale of flavored tobacco products

Local education and polling has occurred in:

- Washtenaw County
- City of Grand Rapids and Kent County
- Detroit and Wayne County
- Oakland County (education only)

End Flavored Tobacco

Ending the sale of all flavored tobacco products, including menthol, is an important public health and social justice issue that will protect kids, save lives, reduce health disparities, and help people quit.

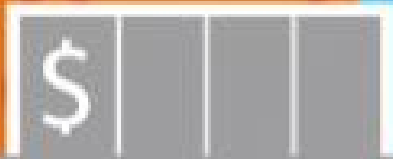


Tobacco Retailer Licensing

- Michigan tobacco retailers are not required to have a license, making enforcement nearly impossible. We are one of a few states that do not license tobacco retailers.
- Tobacco retailers are often located near schools.
- Michigan tobacco retailers sell to kids at alarming rates — one of the highest in the country!
- Would license VAPE SHOPS TOO!



TOBACCO RETAILER LICENSING PLAYBOOK



Tobacco Retailer Licensing would...

- Decriminalize youth purchase, use and possession. Currently in Youth Tobacco Act, youth can receive a state civil infraction or a misdemeanor which could mean jail time, fines, community service
- Put responsibility for selling to a minor on the retailer where it belongs
- Bring in fees that could help support no sales to minors enforcement activity

Tax e-cigarettes and raise tax on other tobacco products

1. Michigan has NO excise tax on e-cigarettes/vape products.
2. The cigarette excise tax has not been raised in many years. When tax is higher, more people quit (and youth don't buy due to cost.)
3. Tobacco products (non-cigarette) such as spit tobacco, cigars, hookah, etc., are taxed at a lower rate than cigarettes. Taxes on these products would be raised to match an increase in the cigarette tax.
4. Funding from excise taxes would be dedicated to tobacco prevention and cessation programs.

Preemption takes away local authority to pass policies stronger than State law

In 1993, a Michigan School Finance Reform Bill instituted preemption, inserted by the tobacco industry in a 4 AM session on Christmas Eve, taking away local control of tobacco sales, keeping local jurisdictions from providing more protective measures than State law.

May 26, 1994 Detroit Free Press article:

“The preemption provision passed the first time because many lawmakers didn’t realize what they were voting on and because at that hour of the morning, no one else was looking.”

Preemption has had a chilling affect in Detroit/Wayne and Washtenaw County and the City of Grand Rapids: City and County Legal Counsel opinions warn that preemption may exist.

Local jurisdictions will CONTINUE to educate local communities WHILE ALSO MOVING TO EDUCATE STATE LEVEL LEGISLATORS on the public health benefits of ending the sale of menthol and ALL flavored tobacco products (and other tobacco related policies.)

Legislative Agenda: Comprehensive Approach

Flavored Tobacco Products Sales Ban

- Prohibition includes menthol cigarettes and flavored vapes

Tobacco Retail Licensing (TRL) Program

- Require a license to sell tobacco products, maintain retailer listing
- Decriminalize/remove PUP laws around youth Purchase, Use and Possession
- Graduated retailer fines, suspension, revocation
- Mandatory compliance checks with decoys

Taxes on Tobacco Products

- Establish an excise tax on e-cigarettes and increase the tax on all tobacco products, dedicate excise tax money to tobacco prevention and cessation

Local Control

- Repeal state preemption laws; allow locals to regulate tobacco sales, etc.

How You Can Help

- Join the Keep MI Kids Tobacco Free Alliance to receive weekly updates on the bill package and action items to help move the work forward:
[Get Connected — Tobacco Free \(keepmikidstobaccofree.com\)](http://keepmikidstobaccofree.com)
- Repost social media from Keep MI Kids Tobacco Free Alliance
- Go to: www.endmenthol.org and sign the pledge
- Present this information to your local partners and decision makers and ask them to help you educate state level decision makers
- We can provide copies of Resolutions of Support such as the ones recently passed by Detroit City Council, Washtenaw Board of Commissioners and Washtenaw Board of Health
- Educate state level legislators about evidence-based tobacco policy including ending the sale of menthol and all flavored tobacco products, tobacco retailer licensing, repealing preemption language to allow for local authority and raising taxes on all tobacco products. Contact Elaine Lyon for a Letter of Support and/or talking points: lyone@michigan.gov

Questions?

Elaine Lyon

lyone@michigan.gov