



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH  
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**Testimony Regarding Legislation Introduced in Michigan House re: E-Cigarettes  
April 29, 2014**

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**Growing, Clear Consensus: E-Cigarettes Are Tobacco Products**

Honorable members of the committee, I am grateful for the opportunity to address you today regarding e-cigarettes and the public health in Michigan. I am Dr. Matthew Davis, and I serve as the Chief Medical Executive for the State of Michigan, in the Department of Community Health.

The Department of Community Health strongly supports HB 5393 sponsored by Rep. Gail Haines.

About 6 weeks ago, I had the privilege of testifying before this committee regarding e-cigarettes, which teenagers and young adults often call “vapes”. At that time, I expressed my concern that legislation being formally considered by this committee at that time would have classified e-cigarettes as their own special category of product.

As we discussed the merits of that argument on that day, I urged you instead to adopt the language of HB 5393 sponsored by Rep. Haines. HB 5393 would classify e-cigarettes as what they are – namely, tobacco products. The language of HB 5393 would permit Michigan to keep e-cigarettes out of the hands of minors by using existing state law to restrict sales – rather than setting up separate, additional regulations to achieve the same result.

I am very pleased to appear before you today to urge you to vote in favor of HB 5393, at a moment when there is clear, growing consensus that e-cigarettes should be regulated as tobacco products – in Michigan and around the United States.

You don’t have to take just my word for it.

For example, take the word of Altria Group, one of the world’s largest tobacco companies. In a letter from Altria’s senior vice president for regulatory affairs to the Commissioner of the Food and Drug Administration on October 10, 2013, Altria confirms that:

*“Altria is also the parent of Nu Mark LLC, which develops and markets innovative tobacco products for adult tobacco consumers, including MarkTen electronic cigarettes and VERVE discs, which both contain tobacco-derived nicotine.” (emphasis added)*

The Altria letter, copies of which we have provided for you today, also goes on to say:

“We support FDA extending appropriate regulatory authority overall all tobacco products, including those containing tobacco-derived nicotine such as e-cigarettes.... We also believe all tobacco products containing tobacco-derived nicotine should be age restricted, and therefore support legislation in the states and FDA regulation mandating a minimum age to purchase tobacco products that are currently subject to age restriction.”

In light of such clear language about the nature of e-cigarettes as tobacco products, it is clear why the US Food and Drug Administration acted last week to classify e-cigarettes as tobacco products. This action is precisely the same as what Rep. Haines proposes in HB 5393.

As of today, over one dozen health- and healthcare-oriented organizations have signed on to support Rep. Haines’s bill. Such unequivocal support is a clear signal to the legislature and the public that HB 5393 provides the best framework to protect the public’s health in the era of e-cigarettes.

The Department of Community Health is also very pleased to express its full support for HB 5393 and encourages this committee and the House to act swiftly to pass out this bill. There has never been clearer consensus – including the perspective of the tobacco industry itself – that e-cigarettes are tobacco and should be regulated as such.