TO: The Honorable Detroit City Council

FROM: David Whitaker, Director
Legislative Policy Division Staff

DATE: April 28, 2023

RE: RESOLUTION URGING THE MICHIGAN LEGISLATURE TO END THE SALE OF FLAVORED TOBACCO PRODUCTS

Council Member Scott Benson requested that the Legislative Policy Division (LPD) draft a RESOLUTION URGING THE MICHIGAN LEGISLATURE TO END THE SALE OF FLAVORED TOBACCO PRODUCTS

Please contact us if we can be of any further assistance.
RESOLUTION URGING THE MICHIGAN LEGISLATURE TO END THE SALE OF FLAVORED TOBACCO PRODUCTS

WHEREAS, According to the Michigan Department of Health and Human Services (MDHHS), tobacco use is the leading cause of preventable death and disability in Michigan and contributes greatly to heart disease, cancer, and stroke; and

WHEREAS, Flavors improve the taste and mask the harshness of tobacco products, most notably, menthol flavor. According to the Centers for Disease Control & Prevention (CDC), adult use of flavored tobacco products is linked with increased tobacco addiction. Menthol is a chemical added to cigarettes and other tobacco products that creates a cooling sensation. These features make tobacco products more appealing to youth and new smokers, more addictive, and more difficult to quit; and

WHEREAS, Flavored tobacco products play a key role in youth initiation and continued use of tobacco, as most youth and young adults are more likely to try a menthol cigarette as their first cigarette. Roughly 80 percent of 12-to-17-year-olds who use a tobacco reported that they used a flavored tobacco product in the last month. Flavored tobacco products, particularly e-cigarettes, are clearly favored by middle and high school students and studies have shown that nicotine exposure during adolescence is more likely to lead to sustained tobacco use; and

WHEREAS, African Americans, Hispanics, youth, and LGBT (lesbian, gay, bisexual, and transsexual) individuals, and individuals with a behavioral health diagnosis are disproportionately impacted by the harms of menthol cigarettes. Despite African Americans usually smoking fewer cigarettes, they are more likely to die from smoking-related diseases related to


6 Substance Abuse and Mental Health Services Administration, Center for Behavioral Health Statistics and Quality. Substance Abuse & Mental Health Data Archive. National Survey on Drug Use and Health, 2019
higher menthol use.\textsuperscript{7} There is a long history of the tobacco industry targeting these populations with tobacco marketing\textsuperscript{8}; and

WHEREAS, A policy regulating the use of flavored tobacco products should include a comprehensive definition of “tobacco product,” which would prevent tobacco users substituting one product for another. A comprehensive definition would include combustible tobacco products; heated tobacco products; electronic smoking devices; smokeless tobacco products; any component, part, or accessory; products containing nicotine from any source (other than those approved for cessation by the U.S. Food and Drug Administration); and broad language anticipating new and emerging products; and

WHEREAS, Ending the sale of menthol cigarettes would save lives. Studies estimate that prohibiting menthol cigarettes in the U.S. would lead 923,000 smokers to quit, including 230,000 African Americans.\textsuperscript{9} They project that 633,000 deaths would be averted, including 237,000 African American deaths. Ending the sale of all flavored tobacco products would likely significantly reduce the new generation of tobacco users, lower health care costs, and ensure an equitable approach to health in the United States; and

WHEREAS, Many states and over 360 localities have ended the sale of flavored tobacco products to protect kids and reduce health disparities. If Michigan takes this step, it would be a leader in protecting the health of its residents; and

WHEREAS, Ending the sale of menthol cigarettes would save lives. Studies estimate that prohibiting menthol cigarettes in the U.S. would lead 923,000 smokers to quit, including 230,000 African Americans.\textsuperscript{9} They project that 633,000 deaths would be averted, including 237,000 African American deaths. Ending the sale of all flavored tobacco products would likely significantly reduce the new generation of tobacco users, lower health care costs, and ensure an equitable approach to health in the United States; and

WHEREAS, In the mid-1990s, at least 46 policy resolutions urging the repeal of preemption of local tobacco regulation were passed covering 56 Michigan counties, cities, and townships. Municipalities in all regions of the state were represented; and

WHEREAS, Preemption is a strategy frequently used by the tobacco industry to limit local tobacco regulations; and

WHEREAS, Repealing Section 14 of the Tobacco Products Tax Act would strengthen local control and improve the ability of local units of government to pass tobacco policies that address concerns in the communities they serve; NOW, THEREFORE BE IT

RESOLVED, By this body, we urge the Michigan Legislature to end the sale of flavored tobacco products in the State of Michigan, including menthol products; AND BE IT FURTHER


RESOLVED, The Detroit City Council strongly urges the Michigan Legislature to repeal Section 14 of the Tobacco Products Tax Act (MCL 205.434) restricting local units of government from imposing policies pertaining to the sale or licensure of tobacco products for distribution purposes; AND BE IT FINALLY

RESOLVED, That copies of the resolution be transmitted to the Majority Leader of the Michigan Senate, the Speaker of the Michigan House of Representatives, the chair of the Michigan Senate Committee on Local Government, the chair of Michigan Senate Committee on Health Policy, the chair of the Senate Committee on Regulatory Affairs, the chair of the Michigan House of Representatives Committee on Health Policy, the chair of the Michigan House of Representatives Committee on Tax Policy, the chair of the Michigan House of Representatives Committee on Local Government and Municipal Finance.