



Minnesota lawmakers consider ban on flavored tobacco products and raising the age to purchase tobacco

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Minnesota lawmakers are proposing a ban on flavored tobacco products, including menthol cigarettes, and raising the legal age to purchase tobacco from 18 to 21.

In announcing proposed legislation at a Monday news conference, state Sen. Carla Nelson, R-Rochester, and Rep. Heather Edelson, DFL-Edina, warned of recent deaths that may have been associated with vaping. They also addressed the number of minors vaping. According to **The 2019 Minnesota Student survey**, one out of four Minnesota 11th-graders reported using an e-cigarette in the last month, representing a 54 percent jump from the 2016 survey.

“Vaping related deaths here in Minnesota and across the nation sound serious warning bells about these untested and unregulated vaping products,” Nelson said.

House Democrats suggested creating a government office to protect Minnesota’s youth from vaping, as well as banning all flavored tobacco products and prohibiting their online sales.

The bills are propelled by three deaths and **84 severe-lung injuries** in Minnesota, about **75 percent** of which stem from black-market THC cartridges, according to the Centers for Disease Control and Prevention.

Democratic lawmakers also proposed creating a new state office to protect Minnesota minors from vaping.

Senate Majority Leader Paul Gazelka, R-Nisswa, in a separate news conference, said he's open to reducing youth e-cigarette use.

Fifty-three Minnesota cities and counties already have raised the legal age to purchase tobacco while four communities have outlawed flavored tobacco products.

"It's no longer lawmakers, it's students saying, 'My lungs hurt. I didn't know,'" Edelson said.

"We've allowed companies to target them, saying it's better than smoking ... not only adults are dying, but our kids are getting sick.”

Walter Olson, a senior fellow at the Cato Institute's Center for Constitutional Studies, told The Center Square that bootleg, adulterated THC cartridges and flavored nicotine vaping are completely separate topics.

Olson said the argument for banning flavors is that a variety of flavors may make it more attractive to underage smokers, but those same flavors are popular with much older people vaping.

Olson said banning flavored nicotine would take away choices from adults to reinforce something already illegal for minors to buy.

“It doesn't pay great respect to 45-year-old vapers, of whom there are a lot, to say, ‘we're only going to give you tobacco as a choice, because we wish you had no choice at all,’” Olson said, adding that associating tobacco flavor with nicotine may drive vapers back to cigarettes if a vape isn't accessible.

Olson said few people defend smoking cigarettes in principle, but noted that 18-year-olds could join the armed forces where they could face much more immediate risks than when they smoke a cigarette on the base.

Olson said there's no question that consumers expose themselves to much less hazard using a legal, legitimate vaping product than smoking cigarettes.

“The evidence is very, very strong that there's a powerful potential health benefit if you can't get people to quit entirely, to get them to switch from cigarette smoking to vaping,” Olson said. Referring to the proposed ban, Olson said, “This threatens to cut them off.”