

RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
EXECUTIVE OFFICE  
LANSING

SECRETARY OF SENATE  
ENROLLING CLERKS

BRIAN CALLEY  
LT. GOVERNOR

2015 JAN 16 A 9 46

January 16, 2015

Michigan Senate  
State Capitol Building  
Lansing, Michigan 48913

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

House Bill 4997, Senate Bills 667 and 668 attempt to take the first step to regulate e-cigarettes and to ensure that sales to minors are prohibited. However, the legislation does not go far enough. This legislation would exclude alternative nicotine products including electronic cigarettes from the definition of tobacco products and prohibit them from being regulated as tobacco products under Michigan law.

Electronic cigarettes are nicotine-delivery devices that resemble traditional tobacco cigarettes and share a common ingredient, which is the highly-addictive chemical nicotine that is derived from tobacco.

Michigan should not enact new state law that is not consistent with a legally-mandated approach proposed by the U.S. FDA, which is to regulate e-cigarettes as tobacco products. To do so will unnecessarily sow confusion, send a mixed health message to the public on a subject that is already complex and confusing to many and effectively conflict with the Sottera ruling issued in 2010 by the Federal Court of Appeals for the District of Columbia at the request of the e-cigarette industry itself.

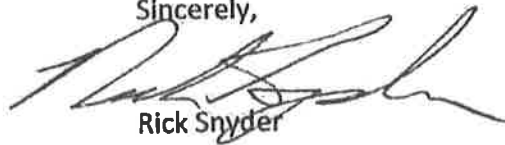
House Bill 4997 and Senate Bills 667 and 668 do not ensure that e-cigarettes are regulated in the interest of public health. Enacting a separate definition for e-cigarettes would establish the principle that such products are fundamentally different from other tobacco products for purposes of any new public health measures that may be proposed in the future. For that reason, I am vetoing House Bill 4997 and Senate Bills 667 and 668.

Lastly, this legislation would go against the position taken by 40 state attorneys general including Michigan's Attorney General Bill Schuette. They believe that the FDA should regulate e-cigarettes pursuant to its tobacco product authority.

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I believe the preferred way to ensure that e-cigarettes are regulated in the interest of public health is to revise the existing definition of a tobacco product to make clear that e-cigarettes (and other novel nicotine-containing vapor products) are tobacco products subject to any restrictions generally applied to tobacco products under the Youth Tobacco Act, including the minimum age law.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Snyder", written over a horizontal line.

Rick Snyder  
Governor