

# Howard Marklein: Raise the age to purchase and possess tobacco and vaping products to 21

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Ask any parent or teacher of high school students and they will tell you that vaping is the new threat to the health and wellbeing of young people. Children's Hospital of Wisconsin recently reported eight cases of hospitalized teenagers with "seriously damaged lungs" who reported vaping in the weeks and months prior to their hospitalization. This story was closely followed by the Wisconsin Department of Health Services (DHS) announcing that doctors have confirmed 12 cases of adults with lung disease tied to vaping marijuana oils, extracts or concentrates and another 13 cases under investigation!

Vaping or JUULing (named after a brand of products) uses an electronic device to deliver nicotine, flavorings and other chemicals into a person's lungs. The devices heat liquid and produce an aerosol, or mix of small particles in the air, which a person inhales. The practice is similar to smoking tobacco-based products. But it is an alternative way to deliver nicotine to the body that some users consider "safer" or "healthier" than smoking tobacco.

The rampant use of vaping products among our youth is a demonstrated public health crisis that I hope to address by introducing legislation to increase the age of purchase for vaping and tobacco products from 18 to 21.

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Between 2017 and 2018, the use of vaping products increased by 78% for high

school students and by 48% among middle school students, according to figures from the Federal Food and Drug Administration (FDA). Studies have shown nearly 40% of 12th graders report using a vaping product in the past 12 months.

It is widely accepted that vaping products, and the nicotine they deliver, uniquely impact adolescent brain development, including parts of the brain most responsible for decision making, impulse control, and sensation seeking. Additionally, a study by the Institute of Medicine of the National Academies found “substantial evidence” that vaping use among youth “increases the risk of transitioning to smoking conventional cigarettes.”

The vast majority of high school and middle school students obtain vaping products from social sources, such as a classmate, friend or sibling. Obtaining the products has proven far too easy for youth, in part because 80% of their classmates turn 18 before they graduate. Parents and educators across the state have passionately voiced their concerns about the prevalence of youth vaping at listening sessions and have urged lawmakers to take action.

To address this troubling trend, Representative John Spiros (R-Marshfield) and I have introduced legislation with a strong list of bi-partisan co-authors. Senators Janet Bewley (D-Mason), Alberta Darling (R-River Hills), Luther Olsen (R-Ripon), Jennifer Shilling (D-LaCrosse) and Representatives David Crowley (D-Milwaukee), Barbara Dittrich (R-Oconomowoc), LaKeshia Myers (D-Milwaukee), Loren Oldenburg (R-Viroqua), Jessie Rodriguez (R-Oak Creek), Mike Rohrkaste (R-Neenah), Melissa Sargent (D-Madison), and Don Vruwink (D-Milton) have proposed a bill that would increase the age for sale, purchase, and possession of cigarettes, nicotine and tobacco products, including vapor products, from 18 to 21.

Seventeen states, including neighboring Illinois, have increased the age to 21. Minnesota passed similar legislation in their House last spring, but it did not make it through the Senate. More than 50% of the country’s population is currently subject to Tobacco 21 laws.

Demonstrating the effectiveness of the policy, the Institute of Medicine of the National Academies found raising the minimum legal sales age nationwide would reduce tobacco initiation, particularly among adolescents aged 15 to 17, lead to a 12% reduction in smoking over time, and immediately improve the health of adolescents and young adults.

Increasing the age to 21 will ensure fewer social access points to the products in high schools, while aligning e-vapor and tobacco products with other adult products, including beer, wine and distilled spirits. It is true that in most circumstances, the age of 18 is accepted as the entry point to adulthood. However, I believe those concerns are outweighed by the public health consequences of youth vaping, and that an age 21 policy aligns Wisconsin with the direction other states and the federal government are headed.

I am also very concerned about the potential for illegal drugs and narcotics to be added to vaping products with – or without – the consent and knowledge of a user. We are already seeing this issue manifest in emergency rooms and hospitals throughout the state. Teenagers, who acquire their vaping products from others, may be more subject to this type of threat to their health and well-being.

This bipartisan legislation has broad support from public health organizations and officials, youth groups, educators, health care providers, and the law enforcement community. It is also strongly supported by the largest manufacturers of tobacco and vapor products – JUUL Labs, Inc., RAI Services (parent company of Newport, Camel, Pall Mall cigarettes and VUSE vapor cigarettes) and Altria Client Services (parent company of Marlboro cigarettes, Black & Mild cigars and JUUL Labs, Inc.)

Other supporters include the American Heart Association; Wisconsin Association of School Boards; Wisconsin Chiefs of Police Association; Association of Wisconsin School Administrators; Boys & Girls Clubs of Wisconsin; Wal-Mart Stores; Aurora Health Care; Marshfield Clinic Health System; Marshfield Children's Hospital; Altria Client Services; JUUL Labs, Inc.; RAI Services (formerly Reynolds American Inc.); Wisconsin Association of School Business Officials; Wisconsin Association of School District Administrators; Wisconsin Association of School Personnel Administrators, Wisconsin Council for Administrators of Special Services; Wisconsin Retired Educators Association.

I am proud to be part of the solution to this growing problem in our state and will continue to work with my colleagues to move the Tobacco21 bill through the legislative process.

*– Marklein, R-Spring Green, represents the 17th Senate District.*