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March 8, 2023

Rep. Tina Liebling, Chair
Health Finance & Policy Committee
477 State Office Building
St. Paul, MN 55155
Rep.tina.liebling@house.mn.gov

Rep. Joe Schomacker, Ranking Minority Member
Health Finance & Policy Committee
209 State Office Building
St. Paul, MN 55155
rep.joe.schomacker@house.mn.gov

Re: HF2422/SF2520

Dear Representatives Liebling and Schomacker,

I write in support of HF2422 (SF2520), which would establish a tobacco prevention account funded from my Office's litigation against businesses that unlawfully market and sell highly addictive tobacco products in Minnesota, including those that target youth.

Like many of you, I continue to be disturbed by the growth in tobacco use by Minnesota youth. High-potency nicotine products like e-cigarettes, many of which were sold in youth-friendly flavors, swamped the marketplace in recent years. Magnified by marketing that enticed by children and teens, these products proved to be attractive to youth and fueled the recent growth in tobacco use by Minnesota youth. Results from the 2022 Minnesota Student Survey suggest that e-cigarette use among youth has declined since its peak in 2019, but many troubling trends remain. 14% of Minnesota 11th graders, and 6% of 8th graders still report using an e-cigarette in the past 30 days, and indicators of dependence among youth who use e-cigarettes also continue. According to data from the Minnesota Adult Tobacco Survey and Behavioral Risk Factor Surveillance Study, e-cigarette use among young adult vapers in Minnesota, many of whom began as youth, has not fallen since the 2019 peak and remains stubbornly high. Alarming, data from the 2022 National Youth Tobacco Survey indicates that youth e-cigarette use is again on the rise after falling during the COVID era.

Minnesota must continue to be vigilant in protecting our State's youth and young adult population from the harms of tobacco use, including the harms of e-cigarettes. E-cigarettes have been shown not only to be highly addictive, but to have the potential to cause cancer, seizures, breathing problems, and DNA damage. Young people are at a higher risk of nicotine addiction than adults because their brains are not fully formed until age 25. Studies also show that adolescent tobacco use is associated with the risk of developing major mental-health disorders.

This is why I've taken law enforcement action to begin to address the harmful effects of misleading and harmful youth-oriented marketing of e-cigarettes. In December 2019, I sued e-cigarette manufacturer Juul for violations of state consumer-protection laws, negligence, unjust enrichment, and creating a public nuisance. My lawsuit describes how Juul developed products

with higher, more potent, and more addictive doses of nicotine than conventional smoking and other e-cigarettes, then misrepresented its products as a safe alternative to cigarettes. Juul then controlled 75% of the e-cigarette market and caused a dramatic rise in youth use, wiping out a decade of progress that Minnesota made in fighting youth tobacco use. In 2020, I added tobacco giant Altria as a defendant in the lawsuit based on its investment and assistance in marketing and selling Juul products, which extended Juul's reach in Minnesota, especially to youth. My Office continues to litigate the State's case against Juul and Altria, and a three-week trial will begin in just a few weeks before a jury of Hennepin County residents.

Enactment of HF 2422 will benefit the State by creating programming dedicated to ameliorating the harms caused by youth e-cigarette use and funding those programs with recoveries from the *Juul* case and other litigation related to unlawful tobacco marketing and sales. This legislation—along with SF2123/HF2177, which would stop the sale of all flavored tobacco products in Minnesota—will help reduce youth tobacco use. I encourage the Committee to advance this important bill.

Thank you for allowing me to provide my recommendations. If you have any questions or would like additional information, my team and I would be happy to help in any way that we can.

Sincerely,

A handwritten signature in blue ink that reads "Keith Ellison". The signature is fluid and cursive, with a small "a" character at the end of the line.

Keith Ellison
Attorney General