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Vaping Ban is Bad for Health, Good for Smugglers

By Michael D. LaFaive

Summary

The new ban on flavored vaping products is harmful to public health and respect for law.

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As a result of a decision by Gov. Gretchen Whitmer, the sale of flavored vaping products in Michigan is now forbidden. Her argument has been that these products are attractive to children and may get them started on a dangerous habit.

While the governor has a valid concern, there are better ways to prevent children (and adults) from starting a vaping or smoking habit than an outright ban, which has harmful effects of its own.

A ban on flavored vaping products will likely cause a consumer shift back to more dangerous cigarettes (particularly menthol flavored ones), a portion of which will be smuggled. A second problem with a ban is that cigarette smugglers now have an incentive to start smuggling vaping products into the state.

While cigarette smuggling continues to be a major problem — more than 20% of all cigarettes smoked in Michigan in 2017 were smuggled — a ban on flavored vaping products probably will not result in a massive uptick in smuggled cigarettes. It will, however, have health consequences. Some experts believe vaping can help cigarette smokers kick the habit.

Smuggled vaping products will likely become a new profit source for today's large-scale cigarette smugglers. They've already established networks in the state; adding supplies of small, flavored vaping cartridges or liquids to their supply chain will be quite easy. Smuggled smokes are already sold on the street in the form of "loosies" (single cigarettes); flavored vaping products can be passed along, too.

With a ban in place, Michigan residents can just cross over a nearby border into Ohio, Indiana or Wisconsin to make purchases. Cigarette smokers cross state lines all the time, and we estimate that more than half of Michigan's illegal cigarette market is a function of this "casual" smuggling effort.

The smuggling issue should concern lawmakers a great deal. Not only will the ban enrich smugglers, but it will help vaping store owners on the other side of our borders, while simultaneously bankrupting those operating in Michigan. Do our public officials believe they can keep flavored vaping products out of Michigan when jailers can't keep contraband cigarettes, heroin or cellphones out of prisons?



Flavored vaping products are now banned in Michigan.

There are other parallels with the illicit cigarette smuggling trade and even the era of alcohol Prohibition. They include, but are not limited to, homebrews and roll-your-own cigarettes. During Prohibition, people made their own liquor, and it was often very dangerous. Today people roll their own smokes and may leave out filters to get a bigger nicotine charge. With vaping, the public — including kids — can find do-it-yourself videos that teach people how to raise the nicotine hit in their e-juice.

Most of these concerns, by the way, would remain if President Trump’s recently proposed national ban on flavored vaping products were adopted.

While there are many reasons not to adopt a ban on flavored vaping products, there is yet another, important one: human liberty. Vaping products are made for adults, and government should be cautious in tramping on their choices. As we’ve written before in debates over cigarette taxes:

“It does not take much imagination, especially after America’s experiment with alcohol prohibition, to see that fighting this impulse could generate an intrusive enforcement regime and a growing disrespect for the law. Intrusiveness and lawlessness would be more than just unpleasant: They could undermine people’s pursuit of happiness. That pursuit may sometimes be erratic and wrongheaded, but it is part of the value and purpose of life.”

Instead of banning flavored vaping products, public officials should pursue a more useful way of working toward the goal of helping people kick the smoking or vaping habit, or not starting it in the first place: prevention and cessation programs. Each year, Michigan government wastes \$75 million in money it received from its Master Settlement Agreement with tobacco companies, spending it instead on corporate welfare. The state should use this money to persuade people to not start using tobacco or vaping products, or to help them stop.

The Campaign for Tobacco-Free Kids, a Washington, D.C.-based anti-smoking organization, points out that nationwide, states only spend about 2.4% of the money they receive in Master Settlement Agreement dollars on tobacco prevention and cessation. Michigan is 45th in this category.

The vaping ban is a bad idea. It will increase lawlessness and deny cigarette smokers a solid alternative to reduce the harm of combustible smokes. We can do better.

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