



Ohio Prosecuting Attorneys Association

Jane Hanlin
Jefferson County Prosecuting Attorney
House Bill 258
Proponent Testimony
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Chair Abrams, Vice Chair Williams, Ranking Member Brown and members of the House Criminal Justice Committee, I am pleased to offer the support of Ohio's Prosecutors for HB 258, which seeks to increase penalties for those who repeatedly sell tobacco products, including products used for vaping, to minors. I offer further support for the provisions of the bill that would allow the application of public nuisance laws to places where sales to minors repeatedly occur.

It would be difficult to overstate the detrimental effects that e-cigarettes, in particular, are having on our young people. In particular, the addictive nature of these products are often not realized until you have watched a child detoxing from vaping and the lengths to which our middle school and high school students will go to hide their addictions: hiding on top of toilets in school bathrooms so that they can use between classes, student athletes risking eligibility by violating school policies that prohibit the use of these substances and young people stealing money to purchase these incredibly addictive products.

The FDA collaborates with the Centers for Disease Control and Prevention (CDC) to administer the National Youth Tobacco Survey (NYTS) to middle and high school students each year. I found this quoted from the FDA compelling: "NYTS data from 2018 and 2019 showed disturbing increases in the use of e-cigarette products among middle and high school students. In 2020, however, NYTS data showed that 1.8 million fewer U.S. youth were currently using e-cigarettes compared to 2019. While that finding was promising, the data also showed disposable e-cigarette use among high school students increased from 2.4 percent in 2019 to 26.5 percent in 2020 – a 1,000 percent increase; similarly, disposable e-cigarette use among middle school students increased from 3.0 percent to 15.2 percent – a 400 percent increase, and more than 8 out of 10 youth who used e-cigarettes reported use of flavored products. While the use of fruit- and mint- flavored e cigarettes was common among users in 2020, the use of menthol flavored e-cigarettes was also prominent. In addition, almost 40 percent of high school students using e-cigarettes were using them on 20 or more days out of the month and almost a quarter of them used e-cigarettes every single day, indicating a strong dependence on nicotine among youth."

The Campaign for Tobacco-Free Kids explains:

- The U.S. Surgeon General has concluded that youth use of nicotine in any form, including e-cigarettes, is unsafe. Nicotine is a highly addictive drug and can harm adolescent brain development, particularly the parts of the brain responsible for attention, memory and learning.

The Surgeon General also found that using nicotine in adolescence can increase risk of future addiction to other drugs.

- E-cigarettes deliver massive doses of nicotine, putting youth users at greater risk of addiction. Each pod (cartridge of nicotine) contains as much nicotine as a pack of 20 cigarettes.
- Studies have found that young people who use e-cigarettes are more likely to become smokers, and many are low-risk youth who would not have otherwise smoked cigarettes.

There is simply no reason not to seek harsher punishments against those who disregard all of these facts in the name of profiting from the addiction of our youngest citizens. For these reasons we support House Bill 258 and appreciate the work of the sponsor to address this issue.

I am happy to answer any questions that you have.