



February 28, 2023

The Honorable Melissa H. Wiklund, Chair  
The Honorable Alice Mann, Vice Chair  
Committee on Health and Human Services

Dear Chairman Wiklund,

On behalf of National Taxpayers Union (NTU), we write to offer our opposition to legislative proposal SF2123. While we acknowledge the well-meaning legislative intent and the importance of reducing nicotine addiction and improving overall health, Minnesotans will not be well served should this provision become law. Before proceeding with final deliberations, NTU urges you to bear in mind the following observations from a health and regulatory policy perspective.

Innovative products and market-driven solutions have led to fewer Americans smoking and more quitting than ever before. These alternative products are not completely risk free, but they significantly reduce the harm incurred by traditional cigarettes. Smoke-free products do not burn tobacco, therefore, they emit lower levels of harmful chemicals compared to cigarettes. Electronic smoking devices do not produce tar or carbon monoxide, two of the most harmful elements in tobacco smoke. Blanket flavor bans have the potential to upend the recent gains made over the past few years and push those addicted to nicotine back to using far more dangerous products.

History is replete with examples of negative outcomes that arise from government prohibitions. Alcohol prohibition pushed individuals into the black market and exposed them to toxic levels of boot-legged alcohol. Similarly, is likely to expose individuals to dangerous counterfeit products, posing an undue public health risk. If we have learned one thing from history it is that government bans will never eliminate demand for the prohibited product but rather will shift demand to more harmful alternatives. As lawmakers concerned about the health of the citizenry, surely this is a consequence worth preventing.

Providing consumers with safe choices and increasing public awareness of the dangers associated with the risks of various products will lead to more effective results than legislative bans. Lawmakers should avoid policies that will affect millions of adults who rely on the availability of these products as a way to improve their overall health. We request that members of this committee focus their time and resources on embracing any and all alternatives that reduce smoking dependency.

To achieve the goal of a smoke-free future, state government must listen to the scientific community and recognize the important role these products play in improving the health and wellness of Minnesotans. SF2123 blatantly ignores scientific research which suggests most of the health consequences of smoking cigarettes is directly correlated to the carcinogens emitted from combustible products. Lawmakers should bear this consideration in mind before enacting a law that is undeniably counterintuitive to the author's intentions, creating unintended consequences.

NTU shares the goal of tobacco reduction with lawmakers and recognizes the health challenges faced by taxpayers. To the extent public officials wish to examine policy responses that will positively impact our common objective of decreasing tobacco use, many free-market, pro-taxpayer options exist. We hope you stand with the residents of Minnesota and oppose SF2123.

Thank you for your time and consideration of NTU's comments, please reach out should you have any questions.

Sincerely,

Jessica Ward  
Senior Director of State Affairs  
National Taxpayers Union  
[jward@ntu.org](mailto:jward@ntu.org)