

Dear _____(CEO/President/Owner)

I write to make you aware of the health risks associated with nicotine vaping products that are being sold to Mississippi consumers at an alarming rate and ask that you consider eliminating the sale of these products from your stores. Nicotine vaping products like e-cigarettes pose a substantial risk to the health and wellbeing of Mississippi citizens, especially our youth. These products are currently subject to little regulation and are not only inherently dangerous due to the substantial amount of nicotine contained in the pods, but are also susceptible to “homemade” mixing in which controlled substances are being incorporated into the pods that are vaped.

According to the Food and Drug Administration, more than 2 million students use nicotine vaping products. Many of the students buying and using nicotine vaping products are underage. As of September 12, 2018, the FDA has fined 130 companies for selling nicotine vaping products to minors and sent warning letters to another 1,300 companies for the same illegal conduct. As a result of this widespread underage use, the FDA “declared youth vaping an ‘epidemic’ and said the agency will halt sales of flavored electronic cigarettes” if manufacturers fail to show they are taking necessary steps to prevent use by underage teens. (See *USA Today.FDA Declares Epidemic.pdf*)

On August 7, 2018, the American Academy of Pediatrics, the American Cancer Society Cancer Action Network, the American Heart Association, the American Lung Association, the Campaign for Tobacco-Free Kids and the Truth Initiative penned a letter to the FDA denouncing the use of nicotine vaping products by youth and calling on the FDA to aggressively crack down on the use of these products by our youth. Further, the letter attempts to bring numerous violations of the Family Smoking Prevention and Tobacco Control Act and the FDA’s deeming rule to the attention of the FDA. According to the letter, “manufacturers of e-cigarette products have introduced new products at an alarming pace in total defiance of law, with no apparent concern for FDA enforcement.” (See *Lawsuit letter to FDA.pdf*)

According to research released for publication on September 17, 2018, in *JAMA* (The Journal of the American Medical Association) *Pediatrics* by the CDC’s Office on Smoking and Health, nearly 1 in 11 US middle and high school students, including one-third of those who ever used e-cigarettes, used cannabis in an e-cigarette in 2016. That equates to more than 2 million youth who have ever used cannabis in an e-cigarette, including nearly 1 in 3 high school (1.7 million) students and nearly 1 in 4 middle school students (425,000). (See Research Letter at <http://jamanetwork.com/journals/jamapediatrics/fullarticle/10.1001/jamapediatrics.2018.1920>)

As attorney general, I share these concerns. I am especially alarmed that this largely unregulated industry is creating a new pathway for addiction in adults as well as our youth. I hope you share my concern for Mississippi citizens and the growing epidemic of underage use of nicotine vaping products across the country. As a good corporate citizen of Mississippi, I call on you to join me in recognizing the harmful health risks nicotine vaping products pose to our citizens.

Given the lack of regulation and the strong evidence of harmful health risks to users, I urge you to take immediate and conclusive action to stop the sale of nicotine vaping products in your stores. At the very least, I expect you to take all necessary steps to ensure your company is not involved in the selling of vaping products to persons under 18 years of age in violation of state law-- M.C.A. § 97-32-51. You have the power to help prevent the spread of this epidemic. As an entity doing business in Mississippi, I strongly encourage you to set the standard for good corporate citizenship and ask that you stand with me to protect the health and well-being of our citizens.

Sincerely,

Jim Hood