

CAPITOL NEWS UPDATE

WEEK OF SEPTEMBER 2, 2019

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MICHIGAN FIRST STATE TO BAN FLAVORED VAPING PRODUCTS

Gov. Gretchen Whitmer used an emergency administrative rule on Wednesday to make Michigan the first state to ban almost all flavors of e-cigarettes.

The Department of Health and Human Services plans to file the rules in the next few weeks. Rules would take immediate effect once filed. Retailers, however, would have 30 days to sell their remaining products.

Whitmer decided to ban flavors after Michigan's state chief medical executive, Dr. Joneigh Khaldun, issued a finding that the youth use of e-cigarettes called for a public health emergency.

Khaldun's finding cites a 900 percent increase among high school students in e-cigarettes from 2011-15, with a 78 percent increase from 2017 to 2018. Use among middle school students increased 48 percent from 2017-18. She said a cross-section of 39 Michigan counties saw anywhere from a 30 percent to 118 percent increase in use among high school students who used an e-cigarette in the past month.

"As governor, my number one priority is keeping our kids safe," Whitmer said. "And right now, companies selling vaping products are using candy flavors to hook children on nicotine and misleading claims to promote the belief that these products are safe. That ends today. Our kids deserve leaders who are going to fight to protect them. These bold steps will finally put an end to these irresponsible and deceptive practices and protect Michiganders' public health."

The emergency rules will ban the sale of flavored nicotine vaping products in retail stores and online; prohibit "misleading marketing of vaping products," and enforce existing law barring the advertising of vapor products on billboards.

Although administrative rules normally have to go through a hearing process, if a state agency finds that an emergency rule is necessary for public health or safety reasons, and if the governor agrees that it is an emergency, the agency can forgo the public hearing process.

The only permitted flavor will be tobacco, with mint and menthol also being banned.

The state Senate does have authority to challenge Whitmer's move within 30 days, but a spokesperson for Senate Majority Leader Mike Shirkey (R-Clarklake), said it won't. "The governor has the authority to declare a public health emergency, and then to declare rule in response to that emergency and we do not intend to challenge the governor."

The administration's action triggered an intense rebuttal from the vaping industry, with health groups supporting the move.

SHIRKEY ANNOUNCES PLAN TO SEND BUDGET TO GOVERNOR WITHOUT ROADS SOLUTION

Republican leaders in the House and Senate have agreed on target goals for the budget next, and plan to move ahead next week without reaching a road funding deal with Democratic Gov. Gretchen Whitmer.

Although details on the targets have not been made public yet, conference committees for some individual budgets are already scheduled for next Thursday to work out differences between the Senate and House plans.

The announcement increases the chance of a potential state government shutdown before the next fiscal year begins Oct. 1.

“All along, the Senate promised to deliver a budget on time and we intend to keep that promise,” said Senate Majority Leader Mike Shirkey (R-Clark Lake). “Discussions on roads with my governor and legislative leaders can continue, but the Senate will not tie the fate of the budget to a deal on roads.”

Gov. Whitmer has promised to veto any budget that doesn't include a way to raise \$2.5 billion in new funding to fix the state's roads, and has recently said that the plans offered by the Republican leaders were not “viable.”

Shirkey said the budget agreed upon by the House and Senate Republican leaders will include more general fund revenue dedicated to roads, schools, public safety, and clean water efforts.

Shirkey and House Speaker Lee Chatfield (R-Levering), plan to continue road funding talks with Gov. Whitmer while moving the budget forward.

MICHIGAN GETS \$28 MILLION FEDERAL FUNDING TO ADDRESS OPIOID CRISIS

The U.S. Department of Health and Human Services announced it will be granting \$1.8 billion in federal funds to help states fight the opioid crisis, with Michigan receiving \$27.9 million.

The funds will help states increase access to medication, treatment, and mental health resources.

The Michigan Department of Health and Human Services will use the funding to provide families with treatment and prevention resources.

\$900 million of the overall \$1.8 billion in federal grants will fund a separate three-year state and federal cooperative effort to track overdose data, promote awareness of the opioid crisis, and \$16.3 million.

Opioid addiction was declared a national public health emergency by the Trump administration in 2017.

U.S. DEPARTMENT OF EDUCATION FINES MSU \$4.5 MILLION

The U.S. Department of Education has fined Michigan State University an unprecedented \$4.5 million for violating federal law in responding to reports of sexual abuse by former university

physician Larry Nassar, and issued a report that criticized university officials for allowing the former dean of the College of Osteopathic Medicine, William Strampel, to sexually harass students.

Former MSU President Lou Anna Simon was also criticized in the report, along with former MSU Provost June Youatt who resigned when the report was released. The report said that both Simon and Youatt knew about Strampel's harassment towards students and continued to reappoint him as dean.

"What transpired at Michigan State was abhorrent, inexcusable, and a total and complete failure to follow the law and protect students," said U.S. Education Secretary Betsy DeVos. "Michigan State will now pay for its failures and will be required to make meaningful changes to how it handles Title IX cases moving forward. No future student should have to endure what too many did because concerns about Larry Nassar and William Strampel were ignored."

MM&A Briefs

Arbulu removed from Civil Rights Commission

The Michigan Civil Rights Commission voted 5-2 last week to remove director Agustin Arbulu from his position. Gov. Whitmer and other Democratic legislators had called for Arbulu to resign or be fired after news broke that the commission had reprimanded Arbulu for making a remark objectifying a woman to a male department staffer.

Whitmer had also banned Mr. Arbulu from attending any Cabinet meetings and forbid her staff from interacting with him in any way unless legally necessary.

Chair Alma Wheeler Smith said, "It was clear that the director just isn't going to be able to function... largely because he can't interact with any of Governor Whitmer's departments or agencies," she said. "That gives us little opportunity to do our job."

Former Michigan Representative running for Congress in Minnesota

Former Rep. Rick Olson, a Republican who was from Washtenaw County and represented the area for one term from 2011-12, is running now running for Congress in Minnesota against incumbent first-term U.S. Rep. Angie Craig. Olson now lives in Prior Lake, Minn.

Calendar of Important Events

- Sept. 7 Rep. Brenda Carter (D-Pontiac) Fundraiser
 Location: 6 p.m., Your Emerging Space, 7 North Saginaw St., Pontiac
- Sept. 8 Rep. Tenisha Yancey (D-Harper Woods) Fundraiser
 Location: 6 p.m., Watermark Bar & Grille, 24420 Jefferson Street, Detroit
- Sept. 9 Sen. Kim LaSata (R-Bainbridge Twp.) Fundraiser
 Location: 10 a.m., The Dunes Club Private Course, New Buffalo

- Sept. 9 House Speaker Lee Chatfield (R-Levering) Fundraiser
Location: 6 p.m., 8805 Olive Shore Avenue, West Olive
- Sept. 10 Rep. Clara Clemente (D-Lincoln Park) Fundraiser
Location: 11:30 a.m., Michigan Health & Hospital Association, Lansing
- Rep. Jason Sheppard (R-Temperance) Fundraiser
Location: 5 p.m. Michigan Beer and Wine Wholesalers, Lansing
- Rep. Kara Hope (D-Holt) Fundraiser
Location: 5:30 p.m., Bad Brewing Company, Mason
- Sept. 11 Sen. Ed McBroom (R-Vulcan) Fundraiser
Location: 8 a.m., Lambert & Company, 114 Allegan St., Lansing
- Sept. 12 Rep. Ann Bollin (R-Brighton) Fundraiser
Location: 7:30 a.m., Michigan Municipal League, Lansing, 7:30 a.m.
- Sen. Lana Theis (R-Brighton) Fundraiser
Location: 7:30 a.m., Karoub Associates, Lansing
- Rep. Alex Garza (D-Taylor) Fundraiser
Location: 9:30 a.m., Michigan Health & Hospital Association, Lansing
- Rep. Julie Brixie (D-Okemos) Fundraiser
Location: 5:30 p.m., Reno's East, East Lansing
- Sen. Michael MacDonald (R-Macomb Twp.) Fundraiser
Location: 5:30 p.m., 38222 Saddle Lane, Clinton Twp.
- Sept. 13 Rep. Terry Sabo (D-Muskegon) Fundraiser
Location: 12 p.m., Lincoln Golf Club, 4907 Whitehall Road, Muskegon
- Rep. Jason Wentworth (R-Clare) Fundraiser
Location: 6 p.m., The Wild Pumpkin Farm, 5799 Beaverton Road, Beaverton
- Sept. 16 Sen. Mike Shirkey (R-Clarklake) PAC Fundraiser
Location: 9 a.m., Country Club of Jackson, Jackson
- Rep. Sara Cambensy (D-Marquette) Fundraiser
Location: 4 p.m., Michigan Beer and Wine Wholesalers, Lansing
- Sept. 17 Rep. Joe Bellino (R-Monroe) Fundraiser
Location: 7:30 a.m., Michigan Municipal League, Lansing

- Sept. 17 Sen. Peter MacGregor (R-Rockford) Fundraiser
Location: 7:30 p.m., Michigan Beer and Wine Wholesalers, Lansing
- Rep. Jim Ellison (D-Royal Oak) Fundraiser
Location: 11 a.m., Michigan Health and Hospital Association, Lansing
- Rep. Laurie Pohutsky (D-Livonia) Fundraiser
Location: 4 p.m., Michigan Beer and Wine Wholesalers, Lansing
- Sept. 18 Rep. Graham Filler (R-DeWitt) Fundraiser
Location: 7:30 a.m., Michigan Municipal League, Lansing
- Sen. Jim Runestad (R-White Lake) Fundraiser
Location: 7:30 a.m., Karoub Associates, Lansing
- Sen. Jeremy Moss (D-Southfield) Fundraiser
Location: 11:30 a.m., Michigan Beer and Wine Wholesalers, Lansing
- Rep. Brian Elder (D-Bay City) Fundraiser
Location: 12 p.m., Karoub Associates, Lansing
- Sept. 19 Rep. Michael Webber (R-Rochester Hills) Fundraiser
Location: 7:30 a.m., Michigan Municipal League, Lansing
- Rep. Triston Cole (R-Mancelona) Fundraiser
Location: 8 a.m., Michigan Beer and Wine Wholesalers, Lansing
- Rep. Kristy Pagan (D-Canton Twp.) Fundraiser
Location: 10:30 a.m., Michigan Municipal League, Lansing
- Sen. Paul Wojno (D-Warren) Fundraiser
Location: 11:30 a.m., Karoub Associates, Lansing
- House Minority Leader Christine Greig (D-Farmington Hills) Fundraiser
Location: 4 p.m., Michigan Beer and Wine Wholesalers, Lansing
- Sen. Peter MacGregor (R-Rockford) Fundraiser
Location: 5 p.m., Lambert & Company, 47 Commerce Avenue SW, Grand Rapids
- Sept. 20 Rep. John Cherry (D-Flint) Fundraiser
Location: 9 a.m., Grand Blanc Sportsmans Club, Grand Blanc