



Slis v. Michigan (Mich. S. Ct.)

Topics Covered: Tobacco and Electronic Nicotine Delivery Systems

Outcome: Somewhat Unfavorable

Issue

The issue in this case was whether a Michigan regulation that prohibits the sale of vaping products is valid.

AMA Interest

The AMA: (1) supports state and local legislation to prohibit the sale or distribution of all flavored tobacco products, including menthol, mint and wintergreen flavors; and (2) urges local and state medical societies and federation members to support state and local legislation to prohibit the sale or distribution of all flavored tobacco products.

Case Summary

In September 2019, the Michigan Department of Health and Human Services (Michigan HHS) adopted an emergency regulation to prohibit the sale of flavored e-cigarettes. The owner of a vaping shop sued to enjoin the regulation, asserting that, because there was no emergency, the regulation was invalid. The Michigan Court of Appeals affirmed. Michigan HHS petitioned the Michigan Supreme Court to review the Court of Appeals decision, but the high court denied the petition for review.

Litigation Center Involvement

The Litigation Center, along with the Michigan State Medical Society and several other health care organizations, filed an *amicus* brief urging the Michigan Supreme Court to accept the appeal of Michigan HHS.

Michigan Supreme Court Brief