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PELOSI PLANS TO ANNOUNCE FORMAL IMPEACHMENT INQUIRY AGAINST TRUMP

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Baker declares public health emergency, orders 4-month ban on all vaping products

By **Matt Stout**, **Dan Adams** and **Felicia Gans** Globe Staff, Updated September 24, 2019, [an hour ago](#)





Governor Charlie Baker. PAT GREENHOUSE/GLOBE STAFF/GLOBE STAFF

Facing an explosion of vaping-related illnesses, Governor Charlie Baker on Tuesday ordered a four-month ban on the sale of all vaping products in Massachusetts, the latest — and believed to be the furthest-reaching — move to address what state officials called a public health crisis.

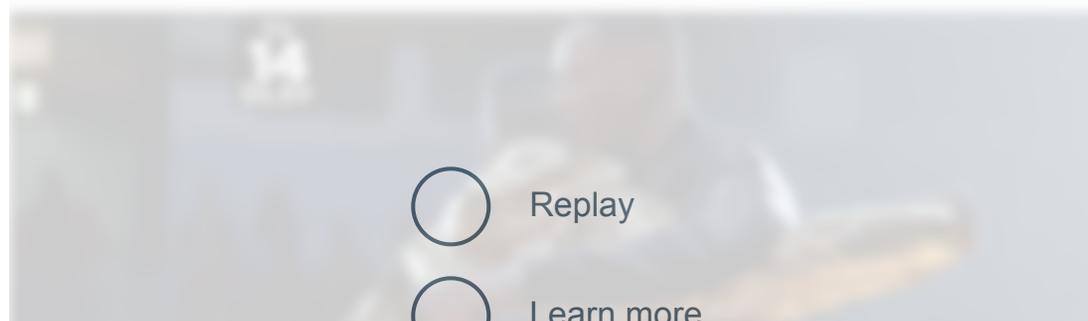
Baker, in declaring a public health emergency, said the temporary ban will apply to sales of both tobacco and marijuana electronic cigarettes. State officials say they believe the emergency statewide prohibition is the first of its kind in the country.

The ban takes effect immediately and lasts through January 25, 2020, according to Baker's office. The state's Public Health Council is expected to meet and formally approve the ban Tuesday afternoon.

The Baker administration stressed that the ban is a pause to allow the medical community and federal officials time to investigate what's driving the spike in illnesses, which have been tied to nine deaths and 530 cases nationwide. Massachusetts officials have reported 61 possible cases in the state as of Monday, including among teenagers — a jump from 38 just last week.

Baker said the state has reported five cases to the Centers for Disease Control and Prevention, including three in which vaping was confirmed as the cause of the illness.

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Baker said he huddled with doctors and medical professionals Friday to hear of their experiences treating patients, a discussion he called “deeply troubling.” He described a complicated, multifaceted problem that includes many unanswered questions, from what types of additives are to blame for the current outbreak to even what parts of electronic cigarette devices may be helping drive it.

“One of the experts said that, ‘We don’t have time to wait. People are getting sick and the time to act is now.’ I couldn’t agree more,” the Republican said at a State House news conference with state health officials and doctors.

“E-cigarette usage is exploding and it’s clear there’s a very real danger to the population. This temporary ban will allow state government and medical providers the time they need to understand the dangers and respond accordingly.”

The move to ban all vaping products appears to go further than other states have to address the outbreak of cases. Both New York and Michigan earlier this month outlawed the sale of flavored e-cigarettes, and in June, San Francisco became the first major city in the country to ban the distribution or sale of e-cigarettes.

Locally, Mayor Martin J. Walsh proposed regulations in Boston to help curb youth vaping by limiting where mint and menthol nicotine products can be purchased.

Baker said last week he was evaluating what emergency options the state has to address the sale of vaping products, and told reporters Monday that the spread of lung-related illnesses had the administration's "full attention."

The administration is also weighing whether to file further regulations or legislation, according to his office.

Massachusetts retailers indicated they intend to comply with the order. Jonathan Shaer, executive director of the New England Convenience Store & Energy Marketers Association, said the groups "understands" why Baker called for the prohibition.

"NECSEMA will take immediate action to notify its members of the emergency declaration regarding all vape products so they may remove them from their shelves right away," he said.

Baker said the state Department of Public Health and local boards of health, in conjunction with local law enforcement, will enforce the ban. He said his administration has had "conversations" with the state's Cannabis Control Commission and that it also plans to enforce the order.

The announcement, however, immediately sent shockwaves through the state's fledgling legal marijuana industry.

One of the state's top marijuana officials, Shaleen Title of the Cannabis Control Commission, strongly criticized Baker's order, saying it will only encourage consumers to use riskier, unregulated products sold in spite of the ban.

"This is a terrible decision," Title wrote on Twitter. "Purposely pushing people into the illicit market — precisely where

the dangerous products are — goes against every principle of public health and harm reduction. It is dangerous, short-sighted, and undermines the benefits of legal regulation.”

David O’Brien, the president of the Massachusetts Cannabis Business Association, urged the Baker administration to quickly investigate and clear vaping products at regulated marijuana shops, insisting they have not been linked to the acute lung illnesses affecting dozens of patients in the state.

“There seems to be a conflation of all things vaping,” O’Brien said. “This might be a baby-with-the-bathwater type of issue. Stores will do what they’re told, but let’s not have an elongated time-out — let’s figure out what’s at issue, and if legal cannabis is not the issue, then let it be sold. I strongly suspect it isn’t.”

For licensed marijuana companies in Massachusetts, the temporary ban on vaping products could be detrimental. Last week, marijuana concentrates such as vaping cartridges made up about 19 percent of total marijuana product sales across the state, according to Cannabis Control Commission data. And that’s after vaping sales dropped about 25 percent over the last six weeks.

Chris Harkins — founder of cannabis company Northeast Alternatives, which operates an adult-use marijuana store in Fall River — said vaping products make up about 25 percent of their overall sales.

“From our perspective, it’s just a major overreaction, and it’s going to take away a delivery option that a lot of people use for many reasons,” Harkins said.

State lawmakers are already pushing separate bills that would ban all flavored tobacco products, including the liquid used in e-cigarettes and other vaping devices.

That ban, which supporters have said would be the furthest-reaching in the country, would apply to all flavors, including menthol, mint, and wintergreen, which to date have often been exempted from flavor-related regulations on the grounds they are “adult” flavors.

Marc Hymovitz, Massachusetts director of government relations for the American Cancer Society Cancer Action Network, applauded Baker’s move but said lawmakers should still pursue legislation.

“ACS CAN is encouraged by Governor Baker’s action recognizing the dangers posed to our youth by e-cigarettes. However, Big Tobacco’s dangerous agenda calls for comprehensive, permanent policy change,” he said.

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