

RESOLUTION NO. 15 - 2294

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS AND E-CIGARETTES IN SURFSIDE, FLORIDA; AND TO PROHIBIT THE USE OF ELECTRONIC CIGARETTES AND OTHER NICOTINE DISPENSING DEVICES IN TOWN OWNED OR OPERATED ENCLOSED INDOOR WORKPLACES; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, representatives from the Tobacco Free Workgroup and Students Working Against Tobacco (SWAT) presented on the dangers of flavored tobacco marketed to children at the February 10, 2015 Town Commission meeting; and

WHEREAS, tobacco use is the number one cause of preventable death in the United States, and almost ninety percent of tobacco users started before they were 18 years old; and

WHEREAS, each day, more than 4,000 young people try smoking for the first time, and another 2,000 youth become regular daily smokers; and

WHEREAS, research from the Harvard School of Public Health determined that tobacco manufactures are targeting youth with flavored products that mask the harsh and toxic properties found in tobacco smoke and tobacco chewing products; and

WHEREAS, flavored tobacco products are defined as loose tobacco including snuff flour, plug and twist tobacco, fine cuts, chewing tobacco, snus, shisha tobacco, smoking or snuffing products, and all other kinds and forms of tobacco; and

WHEREAS, flavored tobacco products have serious health risks and are not considered safe by the U.S. Food and Drug Administration (FDA). They have become increasingly common in the U.S. and contain flavors like vanilla, orange, chocolate, cherry and coffee. They are widely considered to be “starter” products, establishing smoking habits that can lead to a lifetime of addiction; and

WHEREAS, the federal Family Smoking Prevention and Tobacco Control Act of 2009 provides that state and local governments may promulgate regulations for tobacco products that are in addition to or more stringent than federal rules; and

WHEREAS, electronic cigarettes, also known as e-cigarettes, are electronic products that allow users to inhale vaporized nicotine, flavor, and other chemicals, without fire, smoke, ash, or carbon dioxide; and

WHEREAS, consumers are led to believe that e-cigarettes are a safe alternative to traditional cigarettes, despite the fact that most e-cigarettes contain nicotine and have the potential to be addictive; and

WHEREAS, sales of e-cigarettes have grown rapidly in the United States, and after doubling every year since 2008, sales in 2013 accelerated even faster and were projected to reach \$1.7 billion; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, 1.8 million middle and high school students have said that they have tried e-cigarettes in 2012, which is double the amount for the previous year; and

WHEREAS, the recent federal case Sottera, Inc. v. FDA, 627 F.3d 891 (D.C. Cir. 2010) held that e-cigarettes and other products made or derived from tobacco should be regulated as “tobacco products” and not regulated as drugs/devices unless they are marketed for therapeutic purposes; and

WHEREAS, numerous municipalities throughout Florida have passed resolutions urging tobacco retailers to stop the sale and marketing of flavored tobacco products where youth have access to their products, including the West Palm Beach, Fort Lauderdale, Miami Gardens and Opa-locka; and

WHEREAS, Miami-Dade County passed a resolution which prohibits the use of electronic cigarettes and other nicotine dispensing devices in county owned or operated enclosed indoor workplaces, and several municipalities have passed similar ordinances, including the City of Green Cove Springs, the City of Sebastian, the City of Vero Beach, the City of Stuart, and the Town of Orange Park; and

WHEREAS, the Town of Surfside urges Miami Dade County, the Miami-Dade the Miami-Dade County League of Cities, and the Florida League of Cities to support the herein resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Support by the Town of Surfside Town Commission to urge local retailers to discontinue flavored tobacco sales where youth have access: The Town of Surfside, Florida urges all local retailers who sell tobacco and nicotine products, where youth have access to their flavored tobacco products and e-cigarettes, to discontinue their

sale in order to reduce the exposure to and use of flavored tobacco product and e-cigarettes by Surfside youth.

Section 3. Support by the Town Commission of the Town of Surfside to prohibit e-cigarettes in Town indoor workplaces: The Town of Surfside, Florida resolves to prohibit the use of electronic cigarettes and other nicotine dispensing devices in Town owned or operated enclosed indoor workplaces.

Section 4. Direction to Town Clerk: The Town Clerk is hereby directed to transmit a copy of this Resolution to the Board of County Commissioners of Miami-Dade County, the Miami-Dade County League of Cities, and the Florida League of Cities.

Section 5. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 12th day of May, 2015.

Motion by Vice Mayor Tourgeman.

Second by Commissioner Olchyk.

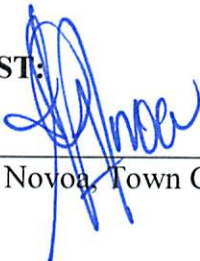
FINAL VOTE ON ADOPTION

Commissioner Barry Cohen	<u>yes</u>
Commissioner Michael Karukin	<u>no</u>
Commissioner Marta Olchyk	<u>yes</u>
Vice Mayor Eli Tourgeman	<u>yes</u>
Mayor Daniel Dietch	<u>yes</u>



Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:



Linda Miller, Town Attorney