

RESOLUTION NO. 2013-1088

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, URGING LOCAL RETAILERS SELLING TOBACCO PRODUCTS TO REFRAIN FROM SELLING AND MARKETING FLAVORED TOBACCO PRODUCTS BECAUSE SUCH PRODUCTS TEND TO PROMOTE AND INFLUENCE TOBACCO USE BY MINORS AND YOUNG ADULTS

WHEREAS, tobacco use is the number one cause of preventable death in the United States and almost 90 percent of tobacco users start before they were 18 years old;

WHEREAS, each day, more than 4,000 young people try smoking for the first time, and over 1,000 become regular daily smokers; and

WHEREAS, the Surgeon General has concluded that tobacco advertising greatly contributes to youth smoking rates; and

WHEREAS, an estimated one third of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities; and

WHEREAS, the Master Settlement Agreement (MSA) reached in 1998 between state Attorneys General and major tobacco companies forbids cigarette manufacturers from directly or indirectly targeting youth in advertising, marketing and promotion of tobacco product or to take any action to initiate, maintain or increase youth smoking; and

WHEREAS, internal tobacco industry documents strongly suggest that manufacturers intentionally target youth through the use of candy-like flavors in tobacco products; and

WHEREAS, research from the Harvard School of Public Health (published November 2005) found that cigarettes makers are targeting young smokers with new candy and liqueur-flavored brands that mask the harsh and toxic properties found in tobacco smoke. Tobacco

companies use youth-orientated colorful and stylish packaging, and exploit adolescents' attraction to candy flavors with names such as "Mandarin Mint," "Winter Warm Toffee," and "Twista Chill;" and

WHEREAS, on September 22, 2009, the federal Family Smoking Prevention and Tobacco Control Act ("Act") went into effect which imposes a ban on the sale of cigarettes containing certain flavors, herbs, or spices including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut licorice, cocoa, chocolate, cherry or coffee; and

WHEREAS, the Act does not include a ban on menthol cigarettes or other types of flavored tobacco products such as cigars, hookah, or smokeless tobacco products; and

WHEREAS, national studies have found that the vast majority of people who are using the flavored tobacco products are minors and young adults; and

WHEREAS, some of these tobacco products, specifically flavored cigars and blunt wraps, are also used as drug paraphernalia for the smoking of marijuana; and

WHEREAS, flavored tobacco products are defined for purposes of this Resolution as loose including snuff flour, plug and twist tobacco, fine cuts, chewing tobacco, snus, shisha tobacco, smoking or snuffing tobacco products, and all other kinds and forms of tobacco, including but not limited to cigarettes, cigars, smokeless tobacco products, and blunt wraps prepared in such a manner in which the purpose of chewing, inhaling, smoking or ingesting in any manner in which the product or any of its component parts (including the tobacco, filter, or paper) contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor or an herb or spice, including but not limited to, strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, coffee, or alcohol flavors, that is a characterizing flavor of the tobacco product or tobacco smoke.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE COUNCIL MEMBERS
OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY STATES AS FOLLOWS:**

Section 1. The above recitals are true and correct and are part of this Resolution as is fully stated herein.

Section 2. All local retailers who sell tobacco products are hereby urged to cease the sale and marketing of all flavored tobacco products which are defined herein as loose tobacco including, but not limited to, snuff flour, plug and twist tobacco, fine cuts, chewing tobacco, snus, smoking or snuffing tobacco products, and all other kinds and forms of tobacco, including but not limited to cigarettes, cigars, smokeless tobacco products and blunt wraps prepared in such a manner with the purpose of chewing, inhaling, smoking or ingesting in any manner which have been flavored through the addition of natural or artificial flavorings, herbs, spices or other means with flavorings characterizing fruit, candy, alcohol or other similar flavorings.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 14 day of May, 2013.

Motion to adopt by Councilmember N. Rodriguez second by Mayor Pizzi.

FINAL VOTE AT ADOPTION

Mayor Michael Pizzi
Vice Mayor Caesar Mestre
Councilmember Manny Cid
Councilmember Tim Daubert
Councilmember Nelson Hernandez
Councilmember Tony Lama
Councilmember Nelson Rodriguez

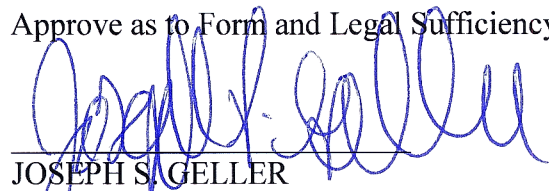
yes
yes
yes
yes
yes
yes
yes


Michael Pizzi
MAYOR

Attest:


MARJORIE TEJEDA
TOWN CLERK

Approve as to Form and Legal Sufficiency:


JOSEPH S. GELLER
GREENSPOON MARDER
TOWN ATTORNEY