

LEGISLATIVE #

110592

DRAFT,
For Discussion Only

RESOLUTION NO. _____

**A Resolution of the City Commission of the City of Gainesville, Florida,
urging tobacco retailers to stop the sale and marketing of candy
flavored tobacco products in Gainesville, Florida; and providing an
immediate effective date.**

WHEREAS, tobacco use is the leading cause of preventable death in the United States; and

WHEREAS, the Centers for Disease Control and Prevention reports that more than 80-percent of current tobacco users started using before age 18; and

WHEREAS, the Centers for Disease Control and Prevention reports that youth cigarette use has declined since the late 1990's, but youth smokeless tobacco product use has increased in recent years; and

WHEREAS, the latest data for Alachua County shows 7.5-percent of middle school students used a form of tobacco on at least one occasion within the past 30-days and 22.9-percent of high school students used some form of tobacco on at least one occasion within the past 30-days; and

WHEREAS, the Florida Department of Health reports that 2.9-percent of middle school students and 9.8-percent of high school students in the State had smoked a flavored cigar within the past 30-days; and

WHEREAS, the Florida Department of Health reports that 1.5-percent of middle school students and 4.6-percent of high school students in the State had used flavored smokeless tobacco products within the past 30-days; and

WHEREAS, the Food and Drug Administration reports that flavored tobacco products are especially attractive to young tobacco users; and

WHEREAS, flavored tobacco products are defined as loose tobacco, snuff tobacco, chewing tobacco, dissolvable tobaccos, snus, cigarillos, cigars, and all other forms of tobacco products that contain any product or additive, either artificial or natural, designed to flavor the tobacco or the byproduct the tobacco produces.

WHEREAS, the Food and Drug Administration reports that studies of youth expectations of flavored tobacco products such as hookahs have found that young users report choosing flavored products over non-flavored products because they "taste better" and are perceived to be "safer"; and

WHEREAS, flavored tobacco products carry the same health risks to users as their non-flavored counterparts; and

WHEREAS, the Gainesville City Commission is concerned about marketing and packaging practices of flavored tobacco manufacturers that may contractually obligate retailers to offer for sale flavored tobacco products and to prominently display youth-oriented flavored tobacco products in their stores; and

WHEREAS, the possession of any tobacco product by a minor (person younger than 18 years old) subjects minors to civil citation and payment of a fine; and

WHEREAS, the sale of any tobacco product to a minor is a crime; and

WHEREAS, the sale of tobacco products to a minor subjects a licensed vendor to the loss of their tobacco sales license by the Florida Department of Business and Professional Regulations; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The City Commission finds that the distribution and sale of flavored tobacco products poses a health hazard especially to minors and young adults.

Section 2. The City Commission of the City of Gainesville, Florida, urges all vendors who sell flavored tobacco products to cease the sale and marketing of all such products in order to reduce the exposure and use of tobacco products to all persons especially minors and young adults.

Section 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2012.

CRAIG LOWE, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY