

**MEMORANDUM**

Agenda Item No. 14(A)(8)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 18, 2011

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution condemning the  
manufacture and sale of  
"Pothead Candy" urging  
Miami-Dade County retailers  
to remove it from store  
shelves and not to sell  
"Pothead Candy" to children

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls

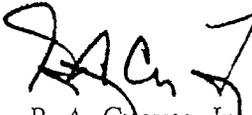


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 18, 2011

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(8)

**Please note any items checked.**

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 14(A)(8)  
10-18-11

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CONDEMNING THE MANUFACTURE AND SALE OF "POTHEAD CANDY"; URGING MIAMI-DADE COUNTY RETAILERS TO REMOVE IT FROM STORE SHELVES AND NOT TO SELL "POTHEAD CANDY" TO CHILDREN

**WHEREAS**, with Halloween at the end of this month, a controversial new candy has surfaced on the shelves of South Florida retailers called "pothead candy"; and

**WHEREAS**, pothead candy includes sour apple flavored "pothead lollipops" which are large lollipops shaped like marijuana leaves and "pothead ring pots" which are rings with lollipops shaped like marijuana leaves attached; and

**WHEREAS**, pothead candy comes in a bag with cartoon depictions of marijuana leaves and a smiling young person showing a peace sign with a marijuana cigarette in his mouth and a marijuana leaf on his hat; and

**WHEREAS**, the word "legalize" is emblazoned in large lettering across pothead candy packaging; and

**WHEREAS**, while pothead candy contains no cannabis or other illegal substances, it nonetheless sends the wrong message to our youth, who already face extensive pressure to try illicit substances; and

**WHEREAS**, according to the National Household Survey on Drug Abuse, use of illicit drugs by youths 12 to 17 years of age increased in 2009 for this first time following a number of years of declines since 2002, with 10 percent of such youths reporting to have used illicit drugs in 2009; and

**WHEREAS**, the level of youth perceiving great risk of harm associated with smoking marijuana once or twice a week dropped from 54.7 percent in 2007 to 49.3 percent in 2009, marking the first time since 2002 that less than half of young people perceived great harm in frequent marijuana use; and

**WHEREAS**, 21.2 percent of young adults age 18 to 25 used illicit drugs within the past month according to the National Household Survey on Drug Abuse; and

**WHEREAS**, marijuana use compromises the ability to learn and has been shown to lower test scores among high school students; and

**WHEREAS**, federal, state and local governments spend millions of dollars annually on programs educating children about the hazards of drugs and that the marketing of these products would have an adverse impact upon these programs; and

**WHEREAS**, while parents, teachers, faith and community leaders look toward finding new ways to communicate with our youth about the dangers of substance abuse, the makers of pothead candy look the other way; and

**WHEREAS**, pothead candy glamorizes an unhealthy drug culture and targets youth with marijuana leaf-shaped lollipops and cartoon depictions of marijuana use on its wrapper; and

**WHEREAS**, pothead candy sends the wrong message to impressionable youth that marijuana and other illegal drugs are acceptable, and encourages youths to use marijuana even though there is no marijuana in the candy; and

**WHEREAS**, pothead candy should only be sold at adult novelty stores; and

**WHEREAS**, pothead candy is a shameless and irresponsible marketing ploy that is harmful to our youth and community,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

**Section 1.** Condemns the manufacture and sale of “pothead candy” at Miami-Dade County retail stores.

**Section 2.** Urges Miami-Dade County retailers to remove “pothead candy” from store shelves, except for adult novelty stores, and not to sell “pothead candy” to children.

**Section 3.** Directs the Clerk of the Board to send certified copies of this resolution to the Florida Congressional Delegation, the Chair and Members of the Miami-Dade County State Legislation Delegation, the Greater Miami Chamber of Commerce, the Florida Retail Federation and the manufacturer of pothead candy, Kalan LP, Lansdowne, Pennsylvania.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                                     |                      |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman           |                      |
| Audrey M. Edmonson, Vice Chairwoman |                      |
| Bruno A. Barreiro                   | Lynda Bell           |
| Esteban L. Bovo, Jr.                | Jose "Pepe" Diaz     |
| Sally A. Heyman                     | Barbara J. Jordan    |
| Jean Monestime                      | Dennis C. Moss       |
| Rebeca Sosa                         | Sen. Javier D. Souto |
| Xavier L. Suarez                    |                      |

The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of October, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty