

## MEMORANDUM

Agenda Item No. 11(A)(3)

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

**DATE:** June 19, - 2019

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

**SUBJECT:** Resolution urging Congress to extend the existing federal prohibition on the manufacture and sale of flavored cigarettes to all candy-flavored tobacco products and tobacco products that resemble candy, mints and breath strips that appear to be designed to entice and encourage youths to use tobacco; further urging the Florida Legislature to prohibit such products

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The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Jean Monestime and Commissioner Dennis C. Moss.



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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:** June 19, 2012

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

**SUBJECT:** Agenda Item No. 11(A)(3)

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. 11(A)(3)

Veto \_\_\_\_\_

6-19-12

Override \_\_\_\_\_

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

RESOLUTION URGING CONGRESS TO EXTEND THE EXISTING FEDERAL PROHIBITION ON THE MANUFACTURE AND SALE OF FLAVORED CIGARETTES TO ALL CANDY-FLAVORED TOBACCO PRODUCTS AND TOBACCO PRODUCTS THAT RESEMBLE CANDY, MINTS AND BREATH STRIPS THAT APPEAR TO BE DESIGNED TO ENTICE AND ENCOURAGE YOUTHS TO USE TOBACCO; FURTHER URGING THE FLORIDA LEGISLATURE TO PROHIBIT SUCH PRODUCTS

**WHEREAS**, candy-flavored tobacco products have become increasingly common in the U.S.; and

**WHEREAS**, these products, containing flavors like chocolate, vanilla, orange, grape and cherry, are especially attractive to youth; and

**WHEREAS**, tobacco products are being sold that resemble candy, mints, breath strips and twisted sticks the size of toothpicks that often include fruit or candy flavors that appeal to youth; and

**WHEREAS**, these products are widely considered to be “starter” products, that could establish tobacco habits that can lead to a lifetime of addiction; and

**WHEREAS**, almost 90 percent of adult smokers began smoking as teenagers, according to the Florida Department of Health fact sheet on candy-flavored tobacco, a copy of which is attached and incorporated by reference; and

**WHEREAS**, like all tobacco products, candy-flavored tobacco products have serious health risks and are not considered safe by the U.S. Food & Drug Administration (FDA); and

**WHEREAS**, in 2004, 22.8 percent of 17-year-old smokers reported using flavored cigarettes over the past month, as compared to 6.7 percent of smokers over the age of 25, according to the FDA; and

**WHEREAS**, a poll conducted in March 2008 found that one in five youngsters between the ages of 12 and 17 had seen flavored tobacco products or ads, while only one in ten adults reported having seen them; and

**WHEREAS**, according to one study of youth smokers between the ages of 13 and 18, 52 percent of smokers who had heard of flavored cigarettes reported an interest in trying them, and nearly 60 percent thought that flavored cigarettes would taste better than regular cigarettes; and

**WHEREAS**, tobacco industry documents reveal patterns of designing flavored cigarettes to target youth, according to the FDA; and

**WHEREAS**, all tobacco products, including candy-flavored tobacco products, are equally addictive and carry the same health risks as regular tobacco products; and

**WHEREAS**, an estimated 443,000 Americans die prematurely each year due to smoking and exposure to second-hand smoke; and

**WHEREAS**, in 2009, Congress passed H.R. 1256, the Family Smoking Prevention and Tobacco Control Act of 2009 (Public Law 111-31), which, among other provisions, prohibited the manufacture and sale of flavored cigarettes; and

**WHEREAS**, while the Family Smoking Prevention and Tobacco Control Act prohibits flavored cigarettes, no comparable federal prohibition exists for non-cigarette flavored tobacco products,

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

**Section 1.** Urges the U.S. Congress to extend the existing federal prohibition on the manufacture and sale of flavored cigarettes to candy-flavored tobacco products and tobacco products that resemble candy, mints and breath strips that appear to be designed to entice and encourage youths to use tobacco.

**Section 2.** Urges the Florida Legislature to prohibit the products set forth in section 1 above.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, Florida Governor, Florida Senate President, Florida House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 4.** Directs the County's federal and state lobbyists to advocate for the legislation set forth in Section 1 and 2 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 Federal Legislative Package to include this item, and to include this item in the 2013 federal and state legislative packages when they are presented to the Board.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan and the Co-Sponsors are Commissioner Jean Monestime and Commissioner Dennis C. Moss. 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  
Esteban L. Bovo, Jr.  
Sally A. Heyman  
Jean Monestime  
Rebeca Sosa  
Xavier L. Suarez  
Lynda Bell  
Jose "Pepe" Diaz  
Barbara J. Jordan  
Dennis C. Moss  
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 19<sup>th</sup> day of June, 2012. 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.



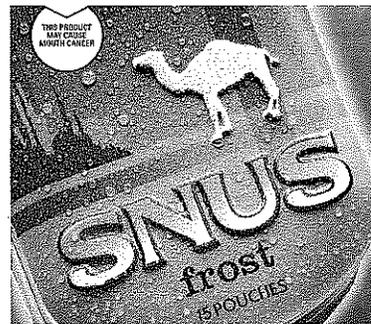
Jess M. McCarty

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# CANDY-FLAVORED TOBACCO POLICIES

## What is the problem with candy-flavored tobacco?

- Candy-flavored tobacco targets new users, the majority of which are kids.
- Studies show that 17-year-old smokers are three times as likely to use flavored cigarettes as smokers over the age of 25.
- Almost 90 percent of adult smokers began smoking as teenagers.

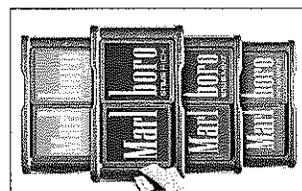
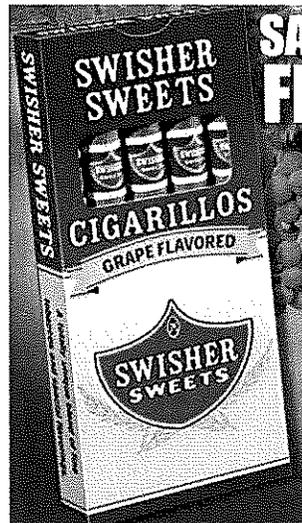
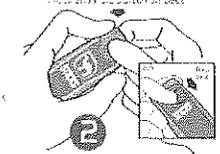
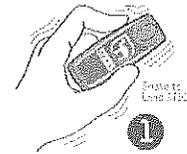


**How to Use:** Place one in your mouth. Don't chew or swallow. Move it around if you want. Let it fully dissolve in your mouth. Enjoy Anywhere. Anytime. Anyplace.

Sticks will last 20-30 minutes.



**How to Open Sticks**  
Child-Resistant Packaging



## What is not banned by the FDA?

- Candy-flavored spit tobacco.
- Candy-flavored cigars and cigarillos.
- Snus (rhymes with “nose”): small packets of tobacco resembling tea bags that are kept in the mouth. The excess juice can be swallowed instead of spat.
- New dissolvable products: pellets (Camel Orbs), a twisted stick the size of a toothpick (Camel Sticks), and a film strip for the tongue (Camel Strips), all of which are made from finely ground flavored tobacco.

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