



## MEMORANDUM

Agenda Item 15(B)2

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

Date: July 3, 2012

From: Harvey Ruvin, Clerk  
Circuit and County Courts

Subject: Resolution No. 2012-10A  
City of North Bay Village, Florida

  
Christopher Agrippa, Division Chief  
Clerk of the Board Division

Attached for your information is a copy of Resolution No. 2012-10A of the City of North Bay Village, Florida, urging tobacco retailers not to display candy flavored tobacco products with candy items; urging Miami-Dade County Commission to adopt a similar resolution; providing for transmittal; and setting an effective date, as introduced by Mayor Connie Leon-Kreps and Commissioner Richard Chervony.

On June 19, 2012, the Board of County Commissioners (BCC) considered a similar legislation as sponsored by Commissioners Sally A. Heyman and Barbara J. Jordan as Co-Prime Sponsors and Commissioners Jean Monestime and Dennis C. Moss as Co-Sponsors.

CA:llc  
Attachment

**RESOLUTION NO. 2012-10A**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, URGING TOBACCO RETAILERS NOT TO DISPLAY CANDY FLAVORED TOBACCO PRODUCTS WITH CANDY ITEMS; URGING MIAMI-DADE COUNTY COMMISSION TO ADOPT A SIMILAR RESOLUTION; PROVIDING FOR TRANSMITTAL; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS AND COMMISSIONER RICHARD CHERVONY)**

**WHEREAS**, tobacco use is the number one cause of preventable death in the United States, and almost 90 percent of tobacco users and smokers 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 youths 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**, internal tobacco industry documents strongly suggest that manufacturers intentionally target youth through use of candy-like flavors in tobacco products; and

**WHEREAS**, research from the Harvard School of Public Health (published November 2005) found that cigarette 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-oriented and stylish packaging and exploit adolescents' attraction to candy flavors with names such as "Mandarin Mint", "Winter Warm Toffee" and "Twista Chill"; and

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

**WHEREAS**, candy 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 products and blunt wraps prepared in such a manner with the purpose of chewing, inhaling, smoking or ingesting in any manner in which the products 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 (other than tobacco or menthol) or an herb or spice, including but not limited to, strawberry, grape, orange, clove, cinnamon, that is a characterizing flavor of the tobacco product or tobacco smoke.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

**Section 2. Commission Action.** The City Commission of the City of North Bay Village, Florida urges all local retailers not to place candy flavored tobacco products (which are defined as loose tobacco including snuff flour, plug and twist tobacco, fine cuts, chewing 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 flavoring herbs, spices or other means with flavors characterizing fruit, candy, alcohol or other similar flavorings with the exception that menthol will not be included in this definition) with or near candy items.

**Section 3. Request to Miami-Dade County.** The City Commission of the City of North Bay Village respectfully requests that the Mayor and Commissioners of Miami-Dade County consider approval of similar or more stringent restrictions on the display and sale of candy flavored tobacco products; and

**Section 4. Transmittal.** The City Clerk is hereby directed to transmit copies of this Resolution to all tobacco retailers in the City, the Miami-Dade County Mayor and Commissioners, the Mayors and Members of the governing bodies of the local governments within Miami-Dade County, and the Florida League of Cities.

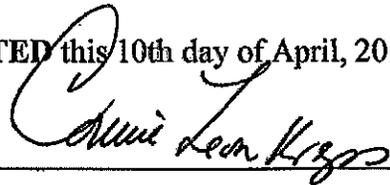
**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.

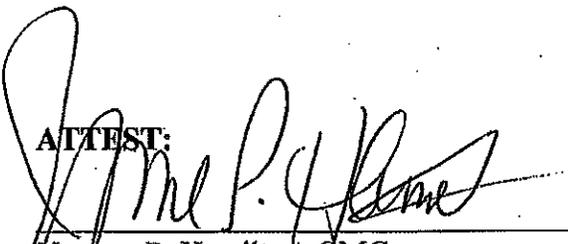
The motion to adopt the foregoing Resolution was offered by Vice Mayor Eddie Lim, seconded by Commissioner Richard Chervony.

**FINAL VOTE AT ADOPTION:**

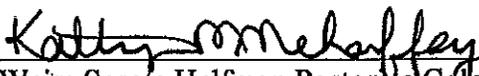
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Stuart Blumberg	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Paul Vogel	<u>No</u>

**PASSED AND ADOPTED** this 10th day of April, 2012.

  
\_\_\_\_\_  
Connie Leon-Kreps, Mayor

**ATTEST:**  
  
\_\_\_\_\_  
Yvonne P. Hamilton, CMC  
City Clerk

**APPROVED AS TO FORM FOR THE USE  
OF THE CITY OF NORTH BAY VILLAGE:**

  
\_\_\_\_\_  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
City Attorney

City of North Bay Village Resolution: Sale of Candy Flavored Tobacco