

PROPOSED RESOLUTION NO. 2019-R-48

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, URGING THE GOVERNOR AND MEMBERS OF THE LEGISLATURE TO ENACT A TEMPORARY BAN ON SALES OF VAPING PRODUCTS, TO INCREASE THE MINIMUM LEGAL AGE TO PURCHASE VAPING PRODUCTS FROM 18 TO 21, AND TO DECLARE A PUBLIC HEALTH EMERGENCY IN THE STATE OF FLORIDA RELATED TO THE USE OF VAPING PRODUCTS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE GOVERNOR, THE MEMBERS OF THE LEGISLATURE AND THE BROWARD LEAGUE OF CITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, recent federal data compiled by the National Institute on Drug Abuse indicates that, in 2019, 25% of high school seniors and 20% of 10th graders reported vaping nicotine in the past month; That is more than double the use reported in 2017; and,

WHEREAS, as of October 8, 2019, there have been 50-99 cases of lung illness/injury reported in Florida associated with the use of vaping products; and,

WHEREAS, Dr. Juan Martinez, Director of the Pediatric Pulmonology Division at Joe DiMaggio Children's Hospital, made a presentation on vaping products and lung illness at the October 16, 2019 Regular Meeting of the City Commission; and,

WHEREAS, on October 16, 2019, the Florida Attorney General's Office began an investigation into whether companies that manufacture and/or sell vaping products are intentionally targeting minors; and,

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WHEREAS, Dr. Martinez stated that five (5) of the twenty-two (22) companies that are being investigated are located in either Broward or Miami-Dade County; and,

WHEREAS, the Center for Disease Control (“CDC”) is leading an investigation into the use of vaping products and E-Cigarette or Vaping Product Use Associated Lung Injury (“EVALI”) which, according to Dr. Martinez in the new name for lung injuries sustained from using vaping products; and,

WHEREAS, nicotine in vaping products is derived from tobacco, is addictive, is a gateway to traditional cigarette use, exists in high concentrations, and has immediate short-term negative health impacts on brain development and cardiovascular issues; and,

WHEREAS, young brains are very sensitive to nicotine, which results in approximately 3 out of 4 teen smokers utilizing nicotine into adulthood; and,

WHEREAS, the U.S. Surgeon General has stated that nicotine alters adolescent brain development and is toxic in high doses; and,

WHEREAS, according to Dr. Martinez, the nicotine utilized in vaping products is absorbed by the human body at a rate much faster than nicotine from a traditional cigarette; and,

WHEREAS, Dr. Martinez stated that the nicotine content in one (1) vaping cartridge is equal to the nicotine content in approximately one (1) package of traditional cigarettes, and multiple cartridges can be utilized in the course of several hours; and,

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WHEREAS, as of October 8, 2019, one thousand two-hundred ninety-nine (1,299) lung injury cases associated with the use vaping products have been reported to the CDC from forty-nine (49) states, the District of Columbia, and 1 U.S. Territory, including twelve (12) deaths in twenty-one (21) states; and,

WHEREAS, while the specific chemical exposure(s) causing lung injuries associated with the use of vaping products, remains unknown at this time, the exclusive use of nicotine containing products has been reported by some patients with lung injury cases. Therefore, the possibility that nicotine-containing products play a role in this outbreak cannot be excluded; and,

WHEREAS, the contents utilized in the manufacturing of vaping products are unregulated; and,

WHEREAS, the only commonality among all cases of lung injuries is that patients report the use vaping products; and,

WHEREAS, Dr. Martinez has stated that no proof exists to indicate that the use of vaping products can assist quitting the smoking of cigarettes; and,

WHEREAS, Dr. Martinez opined that the financial cost associated with illness due to the use of vaping products will be “impressive” if the trending use of vaping products in teenagers continues; and,

WHEREAS, the Commonwealth of Massachusetts has recently declared a public health emergency with respect to the outbreak of severe lung disease related to the use of vaping products; Massachusetts has further prohibited the sale of all vaping products to consumers through January 25, 2020; and,

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WHEREAS, other states including Michigan, New York, California, Washington, and Rhode Island have already enacted bans on the sale and/or use of vaping products; and,

WHEREAS, the City Commission of the City of Pembroke Pines urges the Governor and the Legislature to enact a temporary ban on the sales of all vaping products, to increase the minimum legal age to purchase vaping products from 18 to 21, and to declare a public health emergency in the State of Florida related to the use of vaping products; and,

WHEREAS, the City Commission finds that such action by the Governor and the Legislature is in the best interests of the citizens and residents of the City of Pembroke Pines and the State of Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

Section 1. The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The City Commission of the City of Pembroke Pines, Florida, hereby urges the Governor and the Legislature to enact a temporary ban on the sales of vaping products, to increase the minimum legal age to purchase vaping products from 18 to 21, and to declare a public health emergency in the State of Florida with respect to the use of vaping products.

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Section 3. The City Clerk is hereby directed to transmit a copy of this Resolution to the Governor, the members of the Legislature and the Broward League of Cities.

Section 4. All resolutions or parts of resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 5. If any Section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THIS _____ DAY OF DECEMBER, 2019.

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

BY: _____
MAYOR FRANK C. ORTIS

MARLENE D. GRAHAM, CITY CLERK

ORTIS _____

GOOD _____

CASTILLO _____

SCHWARTZ _____

APPROVED AS TO FORM:

SIPLE _____

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OFFICE OF THE CITY ATTORNEY