



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-0329

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: March 4, 2014

TITLE: Resolution Supporting the Prohibition of the Sale to and Possession by
Minors of Nicotine Dispensing Devices (including Electronic Cigarettes) -
House Bill 153 and Senate Bill 224

Recommendation

The City Commission adopt the attached resolution urging the Florida Legislature to pass and the Governor to sign House Bill 153 and Senate Bill 224.

Background

New, unregulated high-tech nicotine vaporizers, sometimes referred to as electronic cigarettes or e-cigarettes, have recently been made available to consumers, including minors. These devices have users inhale vaporized liquid nicotine created by heat through an electronic ignition system. The vapors are expelled via a cartridge that usually contains a concentration of pure nicotine. After inhaling, the user then blows out the heated vapors producing a "cloud" of undetermined substances. Nicotine is a known neurotoxin that is also one of the most highly addictive substances available for public consumption.

The manufacturers and marketers of nicotine vaporizers purposefully and intentionally advertise their products as safe nicotine delivery devices and smoking cessation modalities. These safety and smoking cessation assertions made by nicotine vaporizer companies have been questioned or disproven by laboratory tests conducted by the U.S. Food and Drug Administration ("FDA"). Along with the FDA's publicly expressed concerns over the safety of these devices, the FDA is continuing its official investigation into the nicotine vaporizer devices and has refused to allow nicotine vaporizers to cross the border in the United States because they are considered new drugs and drug delivery devices that require FDA approval.

Concurrent with this lack of suitable information, nicotine vaporizer manufacturers offer their nicotine cartridges in a variety of flavors, including cherry, chocolate, and vanilla. The FDA and public health advocates warn these flavorings are purposefully meant to appeal to and attract young people and are commonly referred to as "training wheels" for traditional cigarettes. In fact, this strategy has been embraced by tobacco companies in the past and represents a repeat of prior strategies meant to hook minors into the addiction cycle of nicotine and smoking.

The federal law restricting the sale of tobacco products to minors currently applies only to cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco, not nicotine vaporizers. Because these devices are presently unregulated, the nicotine content in nicotine vaporizers is unknown, unspecified, unpredictable, varied and presents a significant risk of rapid addiction or overdose.

House Bill 153 and the similar Senate Bill 224, if passed, provide for an amendment to the Florida Statutes to extend the current prohibitions relating to tobacco products for persons under the age of 18, to prohibit the sale, gifting, possession or use of nicotine dispensing devices, which includes electronic cigarettes, to and by persons under the age of 18. In addition, several Florida municipalities have recently adopted local ordinances regulating nicotine dispensing devices.

Resource Impact

There is no resource impact associated with this action.

Strategic Connections:

1. This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Public Safety** Cylinders of Excellence, specifically advancing:
 - Goal 9: Be the safest urban coastal City in South Florida through preventative and responsive police and fire protection.
2. This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachments:

Exhibit 1: Resolution
Exhibit 2: CDC Press Release
Exhibit 3: CDC Weekly Report

Prepared by: Katerina Skoundridakis, City Manager's Office

Department Director: Lee R. Feldman, ICMA-CM, City Manager