

Resolution of the Utah County Board of Health To Protect the Public Against the Dangers of Electronic Cigarettes in Utah

WHEREAS, electronic cigarettes (“e-cigarettes”) have never been proven to be safe;

WHEREAS, the United States Centers for Disease Control and Prevention and the U.S. Food and Drug Administration recommends against all electronic cigarette use;

WHEREAS, the use of electronic cigarettes in Utah nearly doubled in students grades 8, 10 and 12 from 5.8% in 2013 to 10.5% in 2015 and remained high at 11.1% in 2017;

WHEREAS, Utah students are significantly more likely to use electronic cigarettes or vape products than any other tobacco product;

WHEREAS, Youth and young adults use flavored tobacco products more than any other age group and flavored products are often the first tobacco products used by these groups;

WHEREAS, nicotine use during adolescence can disrupt brain development and affect attention, learning and susceptibility to addiction;

WHEREAS, according to the National Institute on Drug Abuse, teen nicotine vaping more than triples the likelihood a teen will use marijuana;

WHEREAS, it is well known that open electronic cigarette systems are used to vape many legal and illegal substances, and potentially harmful substances;

WHEREAS, tobacco tax increases are one of the most effective ways to reduce smoking and other tobacco use, especially in youth. Nationally, every 10% increase in cigarette prices reduces youth smoking by about 7%;

WHEREAS, it is illegal pursuant to Utah Code § 59-14-509 in the State of Utah to buy or sell cigarette and tobacco products via the internet except to licensed persons;

WHEREAS, the Utah County Board of Health (“Board”) is required to determine the general public health policies for the Utah County Health Department (“Department”) under authority granted in Utah Code Ann. § 26A-1-109(8);

WHEREAS, the Department is required to establish measures to promote and protect the health and general wellness of people within its boundaries under authority granted in Utah Code Ann. § 26A-1-114(2)(a); and

WHEREAS, the Utah State Legislature has prohibited any governing body of a political subdivision of the state from now enacting any ordinance, regulation, or rule that affects the sale, minimum age of sale, placement, or display of e-cigarettes that is not identical to state statute as set forth in Utah Code Ann. § 76-10-105.1(8)(a):

NOW THEREFORE BE IT RESOLVED, the Board hereby urges the Utah State Legislature to take the following actions in an effort to help the Board and Department to address these adverse health consequences in order to protect the health of the youth in our communities and all Utah residents and visitors:

1. Include e-cigarette devices and products in the existing tobacco product excise tax and use the tax revenue to fund prevention and enforcement efforts;
2. Ban all flavored e-cigarette products, or in the alternative, require that flavored e-cigarette products be sold only in a permitted tobacco specialty retail business;
3. Increase the age to purchase electronic cigarette products to 21;
4. Clarify that a general tobacco retailer must not appear to be a tobacco specialty retail store on the exterior by the name and advertising present, or on the interior with the focus being on tobacco products and a preponderance of tobacco paraphernalia and promotional materials;
5. Require that tobacco retailers provide the customer with an itemized receipt for each sale of a tobacco product, an e-cigarette product, or a nicotine product;
6. Require that all tobacco retailers maintain an itemized transaction log that separately identifies, for each sale of a tobacco product, an e-cigarette product, or a nicotine product;
7. Prohibit the sale of any e-cigarette device or product for an amount less than the cost of the product to the manufacturer, wholesaler, or retailer;
8. Enforce existing prohibitions against the sale of e-cigarette devices and products on the internet;
9. Give schools explicit authority to confiscate and destroy any e-cigarette device and/or product found on school property in possession of a student regardless of who owns the device or product.

Dated this 19 day of December 2019

UTAH COUNTY BOARD OF HEALTH



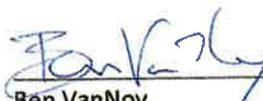
Jeff Acerson, Chair

Attest:



Ralph Clegg
Executive Director
Utah County Health Department

Approved as to Form:



Ben VanNoy
Deputy County Attorney