

**A RESOLUTION OF THE CITY OF DACULA, GEORGIA
URGING THE UNITED STATES FOOD & DRUG ADMINISTRATION TO
PRIORITIZE AND INCREASE ENFORCEMENT ACTIONS AGAINST
MANUFACTURERS AND RETAILERS OF ILLEGAL DISPOSABLE NICOTINE
VAPOR PRODUCTS IN KID FRIENDLY FLAVORS; AND FOR OTHER
PURPOSES.**

WHEREAS, in January 2020 the Food & Drug Administration “FDA” issued industry guidance that detailed the agency’s enforcement priorities relating to e-cigarettes, vapes and other electronic nicotine delivery systems (“ENDS”) products, that prioritized enforcement against “any flavored, cartridge-based ENDS products; and

WHEREAS, the January 2020 guidance created a loophole, whereby all disposable vaping products were insulated from any enforcement for going on three years; and

WHEREAS, since January 2020, millions of illegal, disposable vaping products, primarily manufactured in China and produced in kid friendly flavors have poured into the United States; and

WHEREAS, since 2019, the CDC’s National Youth Tobacco Survey shows that youth usage of disposable vaping products is up 2188%; and

WHEREAS, the FDA’s Center for Tobacco Products Dr. Brian King recently stated “the science clearly shows that a majority of youth who use e-cigarettes report that the products they are using are disposable and flavored.”; and

WHEREAS, an overwhelming majority of disposable vaping products have been introduced after the FDA regulatory submission threshold date of August 8, 2016 and/or have not complied with FDA’s regulatory pathways for the marketing of new tobacco products that ensures products on store shelves are appropriate for the protection of public health; and

WHEREAS, the health, safety, and welfare of the citizens of the City is the highest priority of the City, its elected officials, and staff;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DACULA, GEORGIA, that we urge the FDA to provide clear enforcement guidance to retailers and distributors in the United States.

BE IT FURTHER RESOLVED, that we urge the FDA to publish a directory of disposable vapor products that can be sold subject to FDA enforcement discretion so retailers can remove all illegal disposable vapor products from shelves.

BE IT FURTHER RESOLVED, that the we urge the federal government to allocate resources for federal authorities to enforce these actions across all jurisdictions, at all ports and border control points of entry.

BE IT FINALLY RESOLVED, that upon adoption of this resolution the City Administrator shall immediately transmit an electronic copy to every member of the Georgia Congressional Delegation, the White House Office of Intergovernmental Affairs and the Commissioner of the Food & Drug Administration.

SO ORDAINED by the governing authority of the City of Dacula, this 2nd day of November, 2023.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX,
CITY ADMINISTRATOR