

## **RESOLUTION 23-16**

### **A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DALTON, 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%.

**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.”

**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.

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

**BE IT FURTHER RESOLVED**, that the FDA 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 federal government 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 Clerk 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 RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The foregoing Resolution was read on \_\_\_\_\_. A motion for passage of the Resolution was made by Council member \_\_\_\_\_, second by Council member \_\_\_\_\_ and upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays and the Resolution is adopted.

Attest:

CITY OF DALTON, GEORGIA

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor