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Title: Resolution Urging the Michigan Legislature to End the Sale of Flavored Tobacco Products, Including Menthol Products, and Repeal Local Preemption of Tobacco Licensure and Sales Policies in the State of Michigan

Sponsors: Christopher Taylor, Jen Eyer, Travis Radina, Cynthia Harrison, Chris Watson, Erica Briggs

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Resolution Urging the Michigan Legislature to End the Sale of Flavored Tobacco Products, Including Menthol Products, and Repeal Local Preemption of Tobacco Licensure and Sales Policies in the State of Michigan

Prepared by: John Reiser, Senior Assistant City Attorney

Whereas, Tobacco use is the leading cause of preventable death and disability in Michigan and contributes greatly to heart disease, cancer, and stroke;

Whereas, Flavors improve the taste and mask the harshness of tobacco products, most notably, menthol flavor. Adult use of flavored tobacco products is linked with increased tobacco addiction. Menthol is a chemical added to cigarettes and other tobacco products that creates a cooling sensation. These features make menthol more appealing to youth and new smokers, more addictive, and more difficult to quit;

Whereas, Flavored tobacco products play a key role in youth initiation and continued use of tobacco. More than 80 percent of 12-17-year-olds who have ever used a tobacco product start with a flavored product. Two-thirds of youth have reported using these products “because they come in flavors [they] like.” More than 72 percent of current tobacco users surveyed have reported using a flavored tobacco product in the past month;

Whereas, 79% of Washtenaw County residents are concerned about young people using tobacco products;

Whereas, African Americans, Hispanics, youth, and LGBT (lesbian, gay, bisexual, and transsexual) individuals, and individuals with a behavioral health diagnosis are disproportionately impacted by the harms of menthol cigarettes. Despite African Americans usually smoking fewer cigarettes, they are more likely to die from smoking-related diseases related to higher menthol use. There is a long history of the tobacco industry targeting these populations with tobacco marketing;

Whereas, Including a comprehensive “tobacco product” definition in a flavored tobacco policy would prevent tobacco users substituting one product for another. A comprehensive definition would include combustible tobacco products; heated tobacco products; electronic smoking devices; smokeless tobacco products; any component, part, or accessory; products containing nicotine from any source (other than those approved for cessation by the U.S. Food and Drug Administration); and broad language anticipating new and emerging products;

Whereas, Ending the sale of menthol cigarettes would save lives. Studies estimate that prohibiting menthol cigarettes in the U.S. would lead 923,000 smokers to quit, including 230,000 African Americans. They project that 633,000 deaths would be averted, including 237,000 African American deaths. Ending the sale of all flavored tobacco products would prevent a new generation of tobacco users, lower health care costs, and ensure an equitable approach to health in the United States;

Whereas, Many states and over 360 localities have ended the sale of flavored tobacco products to protect kids and reduce health disparities. If Michigan takes this step, it would be a leader in protecting the health of its residents;

Whereas, 77% of Washtenaw County residents support ending the sale of flavored tobacco products, including menthol cigarettes;

Whereas, 14 of the Tobacco Products Tax Act (MCL 205.434) prohibits local units of government from imposing “any new requirement or prohibition pertaining to the sale or licensure of tobacco products for distribution purposes.” Despite local interest in passing policies related to tobacco sales and licensure, including local flavored tobacco restrictions, concerns about preemption and uncertainties about legal interpretation have had a chilling effect on local policy efforts for nearly three decades;

Whereas, In the mid-1990s, at least 46 policy resolutions urging the repeal of preemption of local tobacco regulation were passed covering 56 Michigan counties, cities, and townships. Municipalities in all regions of the state were represented;

Whereas, Preemption is a strategy frequently used by the tobacco industry to limit local tobacco regulations;

Whereas, Repealing Section 14 of the Tobacco Products Tax Act would strengthen local control and improve the ability of local units of government to pass tobacco policies that address concerns in the communities they serve; and

Whereas, Both the Washtenaw County Board of Health and the Washtenaw County Board of Commissioners have each passed resolutions urging the Michigan Legislature to end the sale of flavored tobacco products;

RESOLVED, That the Ann Arbor City Council urges the Michigan Legislature to end the sale of flavored tobacco products in the State of Michigan, including menthol products; and

RESOLVED, That the Ann Arbor City Council urges the Michigan Legislature to repeal Section 14 of the Tobacco Products Tax Act (MCL 205.434) restricting local units of government from imposing policies pertaining to the sale or licensure of tobacco products for distribution purposes.

Sponsored by: Mayor Taylor and Councilmembers Eyer, Radina, Harrison, Watson and Briggs