



Legislation Text

File #: 18-1777, **Version:** 1

Resolution Authorizing the City of Ann Arbor to be Listed as a Supporting Municipality in an Amicus Brief to be filed with the Michigan Court of Appeals in *RPF Oil Co v Genesee County and Genesee County Health Dep't* (Ct App Docket No. 344735)

The City of Ann Arbor has an interest in being listed as a supporting municipality in an amicus brief to be filed in *RPF Oil Co v Genesee County and Genesee County Health Dep't* due to the public health issues in this case, which involve the sale of tobacco products to individuals under 21 years of age.

Prepared by: Jane Allen, Legal Assistant

Reviewed by: Kristen D. Larcom, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, On August 4, 2016, Ann Arbor City Council passed an ordinance amendment (Ordinance No. ORD-16-17), to make it unlawful to sell, give or furnish a tobacco product in any form to a person under 21 years of age (previously the age was 18);

Whereas, In the ordinance passed in 2016, City Council made findings that included, but were not limited to, the following:

- Tobacco use is the number 1 cause of preventable death in Michigan and continues to be an urgent public health challenge.
- Every year smoking costs Michigan nearly \$9.4 billion dollars in direct healthcare expenses and lost productivity.
- For the first time in 20 years, the adult smoking rate in Washtenaw County increased, from 12.3% in 2010 to 14.8% in 2015.
- Nearly 95% of people who smoke start before age 21, which makes them more likely to develop a severe addiction to nicotine.
- The younger people start smoking, the greater their risk of many adverse health outcomes, such as respiratory disease, chronic obstructive pulmonary disease, and lung cancer.
- Tobacco use continues to be a significant public health concern for youth in the City.
- Raising the minimum legal age for tobacco sales is important to protect the City's population of individuals under the age of 21, which is particularly large because the University of Michigan in Ann Arbor has the second largest undergraduate student population in Michigan;

Whereas, In 2017, Genesee County passed a similar ordinance to prohibit the sale of tobacco products to individuals under the age of 21;

Whereas, RPF Oil Company filed a lawsuit against Genesee County and its County Health Dep't claiming the Genesee County ordinance was unlawful;

Whereas, In the circuit court, Campaign for Tobacco-Free Kids filed a brief of amici curiae, representing itself and numerous other organizations that work to protect the public from the devastating harms caused by tobacco products, which include, but are not limited to: African American Tobacco Control Leadership Council; American Cancer Society Cancer Action Network; American Lung Association; Hurley Medical Center; Michigan Academy of Family Physicians; Michigan Chapter of the American Academy of Pediatrics; and, Trinity Health;

Whereas, The Genesee County Circuit Court ruled in favor of RPF Oil Company on July 2, 2017;

Whereas, Genesee County, through its legal counsel, filed a claim of appeal in the Michigan Court of Appeals on July 23, 2017;

Whereas, Genesee County, through its legal counsel, is requesting the City of Ann Arbor to participate as amici curiae in a brief to be filed in the Court of Appeals by Campaign for Tobacco-Free Kids;

Whereas, The public health issues in this case are of paramount importance to the City of Ann Arbor; and

Whereas, The City of Ann Arbor as an amici curiae has a significant public interest in the issues to be considered by the Court of Appeals;

RESOLVED, That the City of Ann Arbor shall request, through its City Attorney, to be listed as a supporting municipality to the brief of amici curiae to be filed by Campaign for Tobacco-Free Kids in *RPF Oil Co v Genesee County and Genesee County Health Dep't* (Ct App Docket No. 344735);

RESOLVED, That a certified copy of this resolution be provided to legal counsel for Campaign for Tobacco-Free Kids, as evidence of the City's support in the matter; and

RESOLVED, That the City Attorney be authorized to take any other actions necessary to implement this Resolution.

Sponsored by: Mayor Taylor and Councilmember Grand