



## City Council Meeting - Final

August 21, 2023

7:00 PM

---

A. PRC2023-015 Proclamation in Support of Vaping Enforcement Actions



## A PROCLAMATION

BY THE MAYOR OF THE CITY OF SMYRNA

### In Support of Vaping Enforcement Actions

*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 recently stated that the "majority of e-cigarettes used by youths 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; Now

*Therefore,* I, Derek Norton, Mayor of the City of Smyrna, along with the Smyrna City Council, urge the FDA to take action to protect our youth and young adults from the danger of unregulated, disposable e-cigarettes by providing clear enforcement guidance to retailers and distributors in the United States; publish a directory of FDA approved disposable vapor products; encourage retailers to remove all illegal disposable vapor products from shelves; and urge the federal government to enforce these actions across all jurisdictions, at all ports and border control points of entry.

*In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Smyrna to be affixed upon this* 21st *day of* August *in the*  
*year of Our Lord* 2023



*Derek Norton*

Mayor

Derek Norton