

RES 19-009

Wilmington, Delaware
April 4, 2019

#4639

Sponsors:

Council
President
Shabazz

Council
Members
McCoy
Dixon
Freel
Harlee
Adams
Oliver
Congo
Williams

WHEREAS, according to the United States Centers for Disease Control and Prevention, over 16 million Americans have a disease caused by smoking, such as cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis.; and

WHEREAS, over 480,000 American deaths are caused by smoking each year according to the United States Centers for Disease Control and Prevention; and

WHEREAS, 300 people below the age of 18 years old become daily cigarette smokers each day according to the United States Centers for Disease Control and Prevention; and

WHEREAS, at least 1,400 deaths in Delaware are caused by tobacco use each year; and

WHEREAS, products containing tobacco come in many forms such as cigarettes, cigars, dissolvables, hookah tobacco, nicotine gels, pipe tobacco, roll-your-own tobacco, smokeless tobacco products, which include- dip, snuff, snus, and chewing tobacco; vapes, e-cigarettes, hookah pens, and other electronic nicotine delivery systems (ENDS); and

WHEREAS, according to the United States Surgeon General, e-cigarettes are “devices that heat a liquid into an aerosol that the user inhales. The liquid usually has nicotine and flavoring in it, and other additives. The nicotine in e-cigarettes and regular cigarettes is addictive. E-cigarettes are considered tobacco products because most of them contain nicotine, which comes from tobacco.”; and

WHEREAS, the Delaware Code, in Title 11, Chapter 5, Subchapter 5, Section B. defines tobacco products as:

"any product that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff or smokeless tobacco and is intended for human consumption or use";
and

WHEREAS, the Delaware Code, in Title 11, Chapter 5, Subchapter 5, Section B. defines tobacco substitutes as:

“ any device employing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to deliver nicotine into the body through inhalation and that has not been approved by the United States Food and Drug Administration for tobacco cessation or other medical purposes, or any noncombustible product containing nicotine intended for use in such a device that has not been approved by the United States Food and Drug Administration for tobacco cessation or other medical purposes”;
and

WHEREAS, in past years tobacco use by youth has decreased, but during the year of 2017- 2018, tobacco product use by high schoolers increased by 38% and increased by 29% among middle schoolers; and

WHEREAS, the United States Surgeon General has concluded that this increase in tobacco use by middle schoolers and high schoolers is most likely caused by the popularity of e-cigarettes; and

WHEREAS, the 2018 National Youth Tobacco Survey, administered by the United States Food and Drug Administration and the Centers for Disease Control and

Prevention found that there are over 3.6 million kids- under 18 years old in the United States using e-cigarettes; and

WHEREAS, The Institute of Medicine has issued a report in March 2015 titled “Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco” and determined that increasing the “Minimum Legal Age” for tobacco products will likely prevent or delay initiation of tobacco use by adolescents and young adults; and

WHEREAS, The Institute of Medicine report also concludes that raising the tobacco purchasing age to 21 “will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students”; and

WHEREAS, according to the Campaign for Tobacco-Free Kids, there are six states- California, New Jersey, Massachusetts, Oregon, Hawaii and Maine- and over 430 municipalities-including Washington, D.C.- in the United States, that have raised the tobacco purchasing age to 21 years old; and

WHEREAS, the City of Wilmington Delaware and other municipalities and counties in the State of Delaware are preempted from enacting legislation to change the tobacco purchasing age to 21 years old, by Delaware Code, Title 11, Chapter 5, subchapter V. Part B, § 1127 Preemption; and

WHEREAS, Title 11, Title 16, and Title 30 in the Delaware Code contain sections pertaining to tobacco purchasing age and tobacco use in the State of Delaware; and

WHEREAS, U.S. Senate Bill 2100 and U.S. House Bill 4273, both referred to as the Tobacco to 21 Act were introduced in the United States Senate and House in November 2017 and have been referred to subcommittees for review; and

WHEREAS, on January 17th, 2019 in his State-of-the- State Address, Delaware Governor John Carney stated that he “intends to support... a proposal to raise the age for purchasing cigarettes from 18 to 21”; and

WHEREAS, Senator Brian Townsend has introduced Senate Bill 25 to the Delaware General Assembly to raise the tobacco purchasing age from 18 years old to 21 years old.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Wilmington City Council declares its’ encouragement and support of legislation in the Delaware General Assembly to raise the tobacco purchasing age from 18 years old to 21 years old. Furthermore, it supports amendments to the Delaware code that support this age change.

Passed by City Council,
April 4, 2019

Attest: Maribel Seijo
City Clerk

SYNOPSIS: This Resolution encourages and supports the Delaware General Assembly in enacting legislation to raise the tobacco purchasing age from 18 years old to 21 years old.