

Town of Fort Myers Beach  
Agenda Item Summary

Blue Sheet Number: 2012-125

**1. Requested Motion:** Motion to approve Resolution 12-28, calling for tobacco retailers within the Town of Fort Myers Beach to cease marketing and selling flavored tobacco products. **Meeting Date:** 12/17/12

**Why the action is necessary:** All Resolutions must be adopted by a vote of the Town Council.

**What the action accomplishes:** Urges tobacco retailers to cease marketing and selling flavored tobacco products within the Town limits of the Town of Fort Myers Beach.

**2. Agenda:**

Consent  
 Administrative

**3. Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

**4. Submitter of Information:**

Council  
 Town Staff  
 Town Attorney

**5. Background:** Tobacco companies have been targeting youth and young adults by marketing flavored tobacco products. Such products mask the harsh and toxic properties found in tobacco smoke and tobacco chewing products and are hazardous to the health of youth and adolescents. It is in the interest of the public health, safety and welfare for the Town to adopt this resolution urging retailers located in the Town to cease marketing and selling such products.

**6. Alternative Action:** Decline to adopt the resolution.

**7. Management Recommendations:** Adopt the resolution.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

**9. Council Action:**

Approved     Denied     Deferred     Other

RESOLUTION NUMBER 12-28

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, URGING TOBACCO RETAILERS TO CEASE MARKETING AND SELLING FLAVORED TOBACCO PRODUCTS WITHIN THE TOWN LIMITS OF THE TOWN OF FORT MYERS BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE

WHEREAS, tobacco use is the number one cause of preventable death in the United States, and nearly 90 percent of tobacco users begin this addictive habit before the age of 18 years; and

WHEREAS, research from the Harvard School of Public Health has determined that tobacco manufacturers are targeting youth with flavored tobacco products that mask the harsh and toxic properties found in tobacco smoke and tobacco chewing products; and

WHEREAS, tobacco manufacturers are banned, pursuant to the State of Florida's 1998 Master Settlement, from directly or indirectly targeting youth in advertising, marketing, and promotion of tobacco products aimed at initiating, maintaining or increasing the use of tobacco products by youth; and

WHEREAS, tobacco companies use colorful youth-oriented and stylish packaging, and exploit adolescents' attraction to flavors such as Green Apple, Cherry Apple, Cherry, Root Beer, French Vanilla, Grape, Mango, Peach and numerous other flavors in retail outlets in the Town of Fort Myers Beach, Florida; and

WHEREAS, national studies have found that the vast majority of people who use these flavored tobacco products are adolescents and young adults; and

WHEREAS, research by the Students Working Against Tobacco (SWAT) and the Tobacco-Free Lee Coalition found that the majority of retailers of tobacco in the Town of Fort Myers Beach, Florida sell flavored tobacco products of various kinds; and

WHEREAS, flavored tobacco products are defined as loose tobacco, snuff flour, plug or twist tobacco, fine cuts, long cuts, chewing tobaccos, dissolvable tobaccos, snus, shisha tobaccos, cigarettes, cigarillos, cigars, other smoking or snuffing products, and all other forms of tobacco products that contain any product or additive, either artificial or natural, designed to be characterizing flavor of either the tobacco product or the byproduct it produces.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Whereas Clauses. The above "Whereas" recitals are incorporated herein by reference.

Section 2. The Town of Fort Myers Beach, Florida government urges all local retailers who sell tobacco products, where youth have access to flavored tobacco products, discontinue the sale of such products in order to reduce the exposure to and use of flavored tobacco products by adolescents and young adults who live in or who are visiting the Town of Fort Myers Beach, Florida.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor	AYE	Alan Mandel, Vice Mayor	AYE
Joe Kosinski, Council Member	AYE	Jo List, Council Member	AYE
Dan Andre, Council Member	AYE		

**TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH**

**DULY ADOPTED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

By: \_\_\_\_\_  
Bob Raymond, Mayor

Approved as to legal sufficiency:

ATTEST:

By: \_\_\_\_\_  
Fowler White Boggs Town Attorney

By: \_\_\_\_\_  
Michelle Mayher, Town Clerk