



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Text

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### PROPOSED RESOLUTION

#### URGING THE GOVERNOR AND ILLINOIS GENERAL ASSEMBLY TO PASS STATEWIDE PROHIBITION ON THE SALE OF FLAVORED NICOTINE PRODUCTS

**WHEREAS**, e-cigarettes are hooking a new generation on nicotine putting millions of kids at risk and threatening decades of progress in reducing youth tobacco use, and tobacco companies have focused heavily on flavorings because they know that's what attracts a new generation of users. Research shows that flavoring, regardless of the tobacco product, increases the appeal to youth and adults; and

**WHEREAS**, it has become a nationwide crisis of youth addiction, fueled by thousands of kid-friendly flavors and massive doses of nicotine, some containing as much nicotine as a pack of 20 regular cigarettes; and

**WHEREAS**, according to the 2022 National Youth Tobacco Survey (NYTS), over 2.5 million U.S. kids used e-cigarettes in 2022 and almost 85% of youth users report using flavored e-cigarettes: Fruit (71.6%), candy/desserts (34.1%), mint (30.2%), menthol (28.8%), are the most popular flavors reported; and

**WHEREAS**, from 2017 to 2019, e-cigarette use among high school students more than doubled to 27.5%, leading the U.S. Surgeon General and other public health authorities to declare the problem an "epidemic", and 81% of youth who had never used a tobacco product started with a flavored product; and

**WHEREAS**, in 2021, 46% of high school e-cigarette users vaped on at least 20 days a month, and 30.1 reported vaping every day; and

**WHEREAS**, a study of more than 150 e-cigarette ads found all contained youth-appealing content and half featured animation; and

**WHEREAS**, flavored products are driving youth use and as individuals become increasingly addicted to flavored tobacco products there have been significant reports of severe respiratory illnesses and hospitalizations among youth and adults with use of e-cigarette products; and

**WHEREAS**, the use of menthol flavoring is particularly prevalent among young adults and African Americans with an estimated 85.8% of African American smokers and 46% Hispanic smokers smoking menthol cigarettes in comparison to 28.7% of White smokers, and African American and Hispanic communities are heavily targeted by tobacco companies, which may be a contributing factor to the high tobacco-related morbidity and mortality rates in these communities; and

**WHEREAS**, Cook County Commissioner Donna Miller sponsored an ordinance amendment (#23-2311) to CHAPTER 54, ARTICLE V, TOBACCO DEALERS prohibiting a retailer from selling, giving away, bartering, exchanging, or otherwise furnishing to any other person any flavored liquid nicotine product in unincorporated Cook County that was unanimously approved by the Cook County Board of Commissioners at the May 26, 2023, Cook County Board meeting; and

**WHEREAS**, in an editorial letter to the Chicago Tribune, Senator Dick Durbin supported the County legislation as necessary due to inaction by the FDA at the federal level and further he praised Illinois Attorney General Kwame Raoul for reaching a \$462 million multistate settlement with e-cigarette manufacturer Juul over the company's role in igniting

the youth vaping epidemic through its aggressive and misleading promotions targeted at children; and

**WHEREAS**, Cook County joins the City of Chicago and other U.S. jurisdictions that have taken actions to eliminate the sale of flavored nicotine products such as Los Angeles County and the states of Massachusetts, California, New Jersey, New York, and Rhode Island that have enacted statewide flavored tobacco and vape product bans; and

**WHEREAS**, in February 2023, the U.S. Supreme Court declined to hear a challenge to Los Angeles County's ban on sales of flavored tobacco products brought by R.J. Reynolds Tobacco Company, which was upheld by an appellate court decision; and

**WHEREAS**, at the federal level H.R. 901 (Disposable ENDS Product Enforcement Act of 2023) introduced by Congresswoman Cherfilus-McCormick shall if enacted direct the Food and Drug Administration (FDA) to not later than 90 days after the date of the enactment of this Act, update the final guidance entitled “Enforcement Priorities for Electronic Nicotine Delivery System (ENDS) and Other Deemed Products on the Market Without Premarket Authorization” issued in April, 14 2020, to include a description of how the Secretary will also prioritize enforcement against disposable ENDS products, including such nicotine products not derived from tobacco; and

**WHEREAS**, it is incumbent upon state and local governments to lead the way in the protection of our youth and young adults for the good of our public health; and

**WHEREAS**, a statewide prohibition on the sale of flavored nicotine products, would allow for the protection of the public health throughout all jurisdictions in the state of Illinois comparable to the Smoke-Free Illinois Act, that was sponsored by County Clerk and at the time State Representative Karen A. Yarbrough that protects millions of Illinoisans from the dangers of lung cancer by imposing a statewide ban on smoking in all public places, including bars, restaurants, public buildings and work places;

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby urge the Illinois Governor and General Assembly to pass a comprehensive statewide flavored nicotine product ban; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be tendered to the Speaker of the Illinois House of Representatives, the President of the Illinois Senate, and the Governor of Illinois.