



Cabarrus County Public Health Authority Board of Commissioners

Resolution to Protect our Youth from Nicotine Addiction

Date: March 21, 2023

WHEREAS, one of every five deaths in North Carolina is associated with cigarette smoking,¹ and for each death, 30 more people are sick or live with a disability²; and

WHEREAS, 95% of tobacco users start before the age of 21³; and

WHEREAS, as of 2019, 27.3% of high school students in North Carolina report tobacco use. E-cigarette use has significantly increased among youth since 2011⁴; and

WHEREAS, as of 2022, 1.5% of middle and high school students in Cabarrus County reported smoking all or part of a cigarette and 6.5% reported using e-cigarettes, e-hookah's or a vape pen in the last 30 days; and

WHEREAS, nicotine is harmful to developing brains, and its use during adolescence can disrupt the formation of brain circuits that control attention, learning, and susceptibility to addiction⁵; and

WHEREAS, in a 2020 study among NC schools, a high proportion of school administrator and teacher respondents believed that e-cigarette use among students is somewhat or very problematic (91%), and that student e-cigarette use it is a somewhat or high priority issue for their school administration (90%)⁶; and

WHEREAS, most North Carolina young people obtain tobacco products, including e-cigarettes, from retailers. NC young people who get e-cigarettes from friends primarily get them from friends who are under 21⁷; and

WHEREAS, in 2019, Congress increased the federal minimum legal sales age of all tobacco products, including e-cigarettes, from 18 to 21. While a majority of states (41 states, as of September 2022) have increased their minimum tobacco sales age to 21 to match federal law, North Carolina's minimum sales age remains 18⁸; and

WHEREAS, having the same legal sales age at 21 for alcohol and tobacco products reduces the burden on retailers; and

WHEREAS, North Carolina is one of only 10 states in the country that do not require tobacco retailers to obtain a license or permit⁹; and

WHEREAS, the North Carolina ABC Commission is capable of implementing an efficient and effective tobacco retailer permitting system based on the system also in place for alcohol retailer permitting; and

WHEREAS, establishing a retailer permitting system AND raising the minimum legal sale age to 21 will:

- Allow the state to know where tobacco products are being sold
- Improve merchant education efforts
- Allow the state to inspect for responsible retail practices
- Protect law-abiding retailers by holding non-compliant retailers accountable
- Prevent and reduce youth use of highly addictive nicotine products
- Help eliminate the use of e-cigarette and other emerging nicotine products in schools
- Reduce any confusion among retailers and consumers by having one legal sales age for state and federal law^{10, 11}; and

WHEREAS, Under the Federal Synar Law, states are expected to reduce the illegal sale of tobacco products to individuals under the age of 21. **NC could lose over \$4 million in annual funding from the Substance Abuse Prevention and Treatment Block Grant (funds NC uses to pay for drug treatment) through penalties under the Federal Synar Amendment if sales to underage youth are too high in required annual inspections¹²**; and

WHEREAS, current NC state law G.S. 14-313 preempts local authority to adopt evidence-based regulations regarding the sale, distribution, display and promotion of tobacco products; this preemption should be removed to allow local governments to protect minors¹³; and

NOW, THEREFORE, BE IT RESOVED, that the Cabarrus County Public Health Authority Board of Commissioners, d.b.a. Cabarrus County Board of Health (BOH) strongly supports that North Carolina must protect our youth from vaping and nicotine addiction by establishing a tobacco retailer permitting system, raising the minimum age of sales from 18 to 21, restoring local authority, and adopting other needed provisions of legal sales of tobacco products to match federal law.

I hereby certify that this is a true and exact copy of the Resolution passed by the Cabarrus County Public Health Authority Board of Commissioners at its regularly scheduled meeting held on March 21, 2023.

DocuSigned by:

Lara J. Pons MD

ED 13123972E

Dr. Lara Pons, Board of Health Chair
Cabarrus County Public Health Authority Board of Commissioners

Sources:

1. Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. 2014. https://www.cdc.gov/tobacco/stateandcommunity/best_practices/index.htm.
2. National Center for Chronic Disease Prevention and Health Promotion (US) Office on Smoking and Health. Reports of the Surgeon General. The Health Consequences of Smoking-50 Years of Progress: A Report of the Surgeon General. 2014.
3. Source: U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.
4. Source: Tobacco Prevention and Control Branch, North Carolina Department of Health and Human Services. North Carolina Youth Tobacco Survey Middle & High School Fact Sheet. <https://tobaccopreventionandcontrol.dph.ncdhhs.gov/data/yts/docs/YouthTobaccoSurveyFactSheet-2019.pdf>.
5. U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.
6. Tanz, L., Heck, C., Herzig, C., Ranney, L., Herndon, S., Martin, J., Hast, M., McGowan, E., Baler, G., Shamout, M., King, B., Tynan, M., Kansagra, S. (2020). Rapid Assessment of the Impact of E-cigarettes on Schools as Reported by School Staff and E-cigarettes Confiscated by Schools — North Carolina, 2019. Unpublished manuscript.
7. CDC Foundation. North Carolina Cross-Sectional, Online Survey Summary Tables. 2021: 1-104.
8. Preventing Tobacco Addiction Foundation, Tobacco 21, (2021), <https://tobacco21.org/>.
9. State Tobacco Activities Tracking and Evaluation (STATE) System Licensure Fact Sheet, Ctr. For Disease Control (last reviewed: May 18, 2021), https://www.cdc.gov/statesystem/factsheets/licensure/Licensure.html#anchor_1562854161.
10. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General, U.S. Dept of Health and Hum. Serv. (2014), https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf_NBK99237.pdf.
11. Roe L. Astor, et al., Tobacco Retail Licensing and Youth Product Use, Pediatrics (Jan. 7, 2019), <https://pediatrics.aappublications.org/content/pediatrics/143/2/e20173536.full.pdf>.
12. Revision to SAMSHA Guidance on Tobacco Regulation, Substance Abuse and Mental Health Services Administration (June 13, 2022).
13. N.C. Gen. Stat. § 14-113 (2014).

