

SANTA FE COUNTY

RESOLUTION NO. 2013-140

**A RESOLUTION SUPPORTING LEGISLATION PROHIBITING THE SALE  
OF E-CIGARETTES TO MINORS**

**WHEREAS**, unregulated high-tech smoking devices, commonly referred to as electronic cigarettes (“e-cigarettes”) closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system;

**WHEREAS**, e-cigarette is a product containing or delivering the addictive substance nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product and an electronic smoking device includes any component part of such product whether or not sold separately, but does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold for the approved purpose;

**WHEREAS**, the Center for Disease Control and Prevention has described e-cigarettes as battery-powered devices that provide doses of nicotine and other additives to the user in an aerosol;

**WHEREAS**, in July of 2009 the U.S. Food and Drug Administration announced that a laboratory analysis of electronic cigarette samples disclosed that those sampled contained various carcinogens and toxic chemicals such as diethylene glycol, an ingredient used in antifreeze;

**WHEREAS**, e-cigarettes are marketed and sold to young people and are readily available online and in shopping malls;

**WHEREAS**, e-cigarettes are marketed without any health warnings comparable to FDA-approved nicotine replacement products or conventional cigarettes;

**WHEREAS**, e-cigarettes are also available in different flavors appealing to young people, such as fruit, chocolate and mint;

**WHEREAS**, a September 6, 2013 U.S. Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report entitled “Notes from the Field: Electronic Cigarette Use Among Middle and High School Students – United States, 2011-2012, states that data from a 2011 and 2012 National Youth Tobacco Survey indicates that the percentage of middle and high school students in the United States who have tried e-cigarettes more than doubled between 2011 and 2012 and that seventy-six percent of young people who currently use e-cigarettes also smoked regular cigarettes, leading some experts to conclude that e-cigarettes may lead to smoking real cigarettes;

**WHEREAS**, public health experts have expressed concern that e-cigarettes could increase nicotine addiction and tobacco use in young people;

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WHEREAS, smoking remains a leading cause of preventable death and disease in the United States, and nearly ninety percent of adult smokers began smoking by age 18;

WHEREAS, minors under 18 years of age are already prohibited from buying cigarettes and other tobacco products, the use of which involve well-established risks;

WHEREAS, twenty-seven states already have enacted laws prohibiting the sale of e-cigarettes to minors.

NOW THEREFORE BE IT RESOLVED THAT the Board of County Commissioners of Santa Fe County supports and urges the New Mexico State Legislature to enact legislation that prohibits the sale of e-cigarettes to minors.

ADOPTED this 10<sup>th</sup> day of December, 2013.

**BOARD OF COUNTY COMMISSIONERS**

Kathleen Holian  
Kathleen Holian, Chairperson

ATTEST:

APPROVED AS TO FORM:

Geraldine Salazar  
Geraldine Salazar, County Clerk

Stephen C. Ross  
Stephen C. Ross, County Attorney

12/10/2013



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 11TH Day Of December, 2013 at 02:21:06 PM And Was Duly Recorded as Instrument # 1725177 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar  
Deputy County Clerk, Santa Fe, NM

REC'D CLERK RECORDED 12/11/2013