

Resolution to Prohibit the Sale of Illegal Disposable Nicotine Vapor Products Marketed toward Minors

Whereas, the ongoing threat of illegal disposable nicotine vapor products¹, especially those targeting youth and disguised as everyday items², continues to harm our children and community³;

Whereas, according to data obtained by the Associated Press from the analytics firm IRI⁴, the number of unique illegal disposable nicotine vapor products sold in the U.S. has grown exponentially to over 9,000 since 2020⁵, despite the FDA's efforts to restrict vaping flavors and mandate permissions for market continuity⁶;

Whereas, the predominant force behind this surge has been Chinese-manufactured illegal disposable nicotine vapor products, leading to significant concerns about their quality⁷, safety⁸, and the intentions behind their marketing strategies⁹;

Whereas, disposable vapes have become the prevalent form of e-Cigarette among youth (2.4% in 2019, 26.5% in 2020, 53.7% in 2021 to 55.3% in 2022, and 60.7% in 2023) and almost

¹ Noguchi, Yuki. "They're Illegal. So Why Is It So Easy to Buy the Disposable Vapes Favored by Teens?" NPR, July 14, 2023. <https://www.npr.org/sections/health-shots/2023/07/14/1186291971/theyre-illegal-so-why-is-it-so-easy-to-buy-the-disposable-vapes-favored-by-teens>.

² Rudy, Melissa, and Fox News. "Vapes Disguised as School Supplies Worry Authorities and Prompt Warnings as Items Pour into US from China." Fox News, August 21, 2023. <https://www.foxnews.com/health/vapes-disguised-school-supplies-worry-authorities-warnings-items-pour-us-china>.

³ Mackay, Hannah. "Youth Activists Urge Statewide Ban on Flavored Tobacco Products." The Detroit News, March 31, 2023. <https://www.detroitnews.com/story/news/local/detroit-city/2023/03/31/youth-activists-call-for-state-wide-ban-on-flavored-tobacco-products/70067794007/>

⁴ Perrone, Matthew. "Thousands of Unauthorized Vapes Are Pouring into the US despite the FDA Crackdown on Fruity Flavors." AP News, June 28, 2023. <https://apnews.com/article/fda-vapes-vaping-elf-bar-juul-80b2680a874d89b8d651c5e909e39e8f>

⁵ "Thousands of types of illegal vaping devices, mostly from China, flooding U.S. despite FDA crackdown, report says." CBS News, MoneyWatch, June 23, 2023. <https://www.cbsnews.com/news/illegal-vaping-devices-mostly-china-us-fda-crackdown/>

⁶ Correspondent. "Why Do Disposable Vapes Taste Better than Refillable Vapes?" The Daily Guardian, October 10, 2023. <https://theguardian.com/why-do-disposable-vapes-taste-better-than-refillable-vapes/>

⁷ Perrone, Matthew. "5 Takeaways from the AP's Report on Chinese Disposable e-Cigarettes Flooding the US Market." AP News, June 27, 2023. <https://apnews.com/article/fda-vapes-vaping-elf-bar-juul-5e45cf57dc78f6b94213047c97b10f7e>.

⁸ Lin, H. C., Buu, A., & Su, W. C. (2022). Disposable E-Cigarettes and Associated Health Risks: An Experimental Study. *International journal of environmental research and public health*, 19(17), 10633. <https://doi.org/10.3390/ijerph191710633>

⁹ Perrone, Matthew. "Elf Bar finds an easy way around US vape import ban: a name change." AP News, October 13, 2023. <https://apnews.com/article/ecigarettes-elf-bar-fda-disposable-vaping-5245aed253ca9cdcf119483bd9cee1f1>

9 out of 10 current e-cigarette users (89.4%) used flavored e-cigarettes¹⁰; including increasing numbers of products utilizing branding, marketing, design, or packaging specifically meant to appeal to minors, such as those labeled with terms like “cookies”, “cake”, “pie”, “desserts”, “flavored beverages”, or using a “celebrity likeness” and other characters designed to attract minors¹¹; and illegal disposable nicotine vapor products that resemble school supplies¹²;

Whereas, youth are facing academic consequences such as in and out of school suspensions, expulsions, and other charges for vaping, leading to long-term academic, legal, and social consequences^{13,14,15};

Whereas, youth who use illegal disposable nicotine vapor products are also experiencing physical, mental and academic problems, and this usage also creates environmental consequences^{16,17,18}; Now, therefore be it

Resolved, by Michigan PTA, that we strongly support the proposed legislation by the Michigan House of Representatives, stressing the pressing need to shield our youth from the misleading marketing strategies employed by certain illegal disposable nicotine vapor product manufacturers; be it further

¹⁰ Birdsey J, Cornelius M, Jamal A, et al. “Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023.” MMWR Morb Mortal Wkly Rep 2023;72:1173–1182. DOI: <http://dx.doi.org/10.15585/mmwr.mm7244a1> (1-6,12)

¹¹ Cooper M, Park-Lee E, Ren C, Cornelius M, Jamal A, Cullen KA. “Notes from the Field: E-cigarette Use Among Middle and High School Students — United States, 2022.” MMWR Morb Mortal Wkly Rep 2022;71:1283–1285. DOI: <http://dx.doi.org/10.15585/mmwr.mm7140a3> (1-6,12)

¹² Brookland, Jennifer. “These Vape Pens Look like School Supplies - and They’re Being Used in Plain Sight.” USA Today, August 17, 2023.

<https://www.usatoday.com/story/news/education/2023/08/17/vape-pens-ecigarettes-highlighters-school/70606398007>

¹³ Gagnon, Ben. “FCS partners with municipalities, law enforcement to create anti-vaping campaign.” The Davison Index, October 27, 2022. [FCS partners with municipalities, law enforcement to create anti-vaping campaign - Davison Index \(mihomepaper.com\)](https://www.mihomepaper.com/news/fcs-partners-with-municipalities-law-enforcement-to-create-anti-vaping-campaign/)

¹⁴ Hogan, Jeff. “Police crack down on vape sale violators.” The County Press, May 20, 2023. [Police crack down on vape sale violators - The County Press \(mihomepaper.com\)](https://www.mihomepaper.com/news/police-crack-down-on-vape-sale-violators/)

¹⁵ Klecker, Mara. “How Minnesota schools are trying to stop students from vaping in bathrooms.” Star Tribune, October 21, 2023. [How Minnesota schools are trying to stop students from vaping in bathrooms \(startribune.com\)](https://www.startribune.com/how-minnesota-schools-are-trying-to-stop-students-from-vaping-in-bathrooms/)

¹⁶ Pagán, Caitlin. “Disposable Vapes Are Creating an Even Bigger Problem Than Juul” Very Well Health, Health News. Published on November 03, 2023.

<https://www.verywellhealth.com/disposable-vapes-waste-8384147#>

¹⁷ Bautista M, Mogul AS, Fowler CD. “Beyond the label: current evidence and future directions for the interrelationship between electronic cigarettes and mental health.” Frontiers in Psychiatry. 2023 ;14:1134079. DOI: [10.3389/fpsy.2023.1134079](https://doi.org/10.3389/fpsy.2023.1134079). PMID: 37645635; PMCID: PMC10460914.

¹⁸ Buchman, Cassie. “Vaping negatively affects teens’ academics, mental health: study.” News Nation, August 21, 2023.

<https://www.newsnationnow.com/health/vaping-negatively-affects-teens-academics-mental-health-study>

Resolved, that Michigan PTA and its constituent associations passionately encourage other educational institutions, organizations, and stakeholders within Michigan to acknowledge the importance of this legislation and lend their voice and support in defending our youth from these detrimental products; be it further

Resolved, that Michigan PTA and its constituent associations educate youth, parents, school boards and local officials on the dangers of illegal disposable nicotine vapor products; be it further

Resolved, that Michigan PTA and its constituent associations support school and community leaders in implementing effective alternative management strategies, avoiding policies that can be harmful to students' education and achievement; be it finally

Resolved, that upon this resolution's adoption, Michigan PTA will promptly share a copy with members of the Michigan Legislature and Administration, conveying our organization's endorsement.

Rationale for resolution

Decades of research have proven that nicotine is highly addictive and harmful to the health of our youth. The threat of nicotine, particularly illegal disposable nicotine vapor products, is harming our schools and our communities. Youth are using these products, despite the fact that they have already been deemed illegal, at an ever-increasing alarming rate. Youth are being aggressively marketed to, with youth-appealing flavors and easy-to-conceal devices that are disguised as school supplies. Efforts to enforce regulations and remove illegal disposable vaping products from American store shelves are insufficient, as vendors continue to market to children. This usage has resulted in a huge spike in discipline – pushing more students into the school-to-prison pipeline, causing lower academic performance, becoming increasingly burdensome to school and community leaders. We hope to generate enough awareness so that these products are no longer being placed within our children's reach by unscrupulous vendors.