

Office of School Board Members
Board Meeting of December 11, 2013

December 9, 2013

Ms. Raquel Regalado, Board Member

SUBJECT: ELECTRONIC CIGARETTES

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

**LINK TO STRATEGIC
FRAMEWORK: STUDENT, PARENT AND COMMUNITY ENGAGEMENT**

Electronic cigarettes are battery-operated devices that simulate traditional cigarettes but release a vapor instead of smoke. Since their original release, the market has grown substantially and many liquid solutions, referred to as e-liquid or e-juice have been developed which focus on flavoring, some of which do not contain nicotine. Other products have also been developed that simulate other smoking implements like cigars and pipes. The liquids are often sold in bottles or in pre-filled disposable cartridges but, like the devices, are not regulated.

Originally, when the devices were first sold in the United States in 2006, the Food and Drug Administration (FDA) classified e-cigarettes as drug delivery devices and subjected them to regulation under the Food, Drug, and Cosmetic Act (FDCA) before importation and sale in the United States. The classification was challenged in court, and overruled in January 2010 in Federal District Court Judge wherein it was determined that instead of medical devices, e-cigarettes should be regulated as tobacco products. Since then, there have been several cases regarding the FDA regulation of the devices and their variations.

One of the byproducts of those litigations has been the intended use and marketing of the devices to adolescents and young adults. The study most cited on this topic is a recent one by UC San Francisco, which analyzed smoking among 75,643 Korean adolescents in grades 7 to 12, and indicates that while youth using e-cigarettes were more likely to be trying to quit smoking, they were also less likely to have stopped smoking and were in fact smoking more since the purchase of the devices.

In the United States, the Centers for Disease Control and Prevention (CDC) recently reported that middle and high school students who use e-cigarettes more than doubled from the year 2011 to 2012. According to the CDC, an estimated 1.78 million U.S. students have used the product as of 2012, an increase of 100 percent. The CDC indicates that in the State of Florida, 12.1 percent of high school students have tried e-cigarettes in 2013, compared to 6 percent in 2011.

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Meanwhile, the American Journal of Public Health noted last year that 53 percent of youth who had heard of e-cigarettes thought they were less harmful than conventional cigarettes; while almost 45 percent thought e-cigarettes could help them quit smoking. Another recent study found that 50 percent of youth would try e-cigarettes if offered by friends.

As the use of e-cigarettes has grown, a subculture which refers to itself as the vaping community has also emerged. Members of this emerging subculture glorify and customize the devices sometimes to the point wherein they are difficult to recognize as e-cigarettes.

Therefore, while promoted as an aid for people to quit smoking, critics say e-cigarettes may actually increase nicotine addiction and tobacco use, especially among young people. They also highlight that there is still no conclusive scientific evidence showing whether these devices are safe or harmful.

Given the lack of federal regulations, several U.S. universities have banned the use of e-cigarettes on their campuses.

While the federal government debates this issue, at Miami-Dade County Public Schools there is no clear policy about the possession of e-cigarettes by students and teachers.

Therefore, this item proposes adding to our current policy and code of student conduct nicotine dispensing devices wherever the term tobacco products, cigarettes, cigars and/or pipes are mentioned ensuring that nicotine dispensing devices at MDCPS are defined in accordance with SB224:

“Nicotine dispensing devices mean any product that can vaporized nicotine from the product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product and any replacement nicotine cartridge.”

This item also proposes to delineate for parents, administrators, teachers and students when it is appropriate to confiscate e-cigarettes and educational materials and outreach for parents, administrators, teachers and students on potential misuse of e-cigarettes.

ACTION PROPOSED BY

MS. RAQUEL REGALADO:

That The School Board of Miami-Dade County, Florida, direct the School Board Attorney to revise our current policy and code of student conduct to add nicotine dispensing devices wherever the term tobacco products, cigarettes, cigars and/or pipes are mentioned and delineate when it is appropriate to confiscate e-cigarettes and educational materials and outreach parents, administrators, teachers and students on potential misuse of e-cigarettes.