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THE NATIONAL SHERIFFS' ASSOCIATION SUPPORTS PROTECTING YOUTH FROM ILLICIT VAPOR PRODUCTS

WHEREAS, the FDA has regulated vapor products and other electronic nicotine delivery systems (ENDS) and defines them as vapes, vaporizers, vape pens, hookah pens, electronic cigarettes (e-cigarettes or e-cigs), e-cigars, and e-pipes. This resolution will refer to these products interchangeably; and

WHEREAS, 1.63 million students reported using e-cigarettes in 2024¹ largely driven by fruit- and candy-flavored products appealing to youth, such as "Rainbow Candy," "Cotton Candy," and "Watermelon Jolly Candy Ice;" and

WHEREAS, the increase in illicit e-cigarettes has reversed progress made in reducing youth tobacco and nicotine use², despite a significant decline in youth smoking rates over the past decade; and

WHEREAS, three of the top vapor products used by youth, including *Breeze*, *Mr. Fog*, and *Raz*, have not received pre-market authorization from the U.S. Food and Drug Administration (FDA) and are on the market illegally³, thereby circumventing federal regulations intended to prevent youth-targeted marketing of products; and

WHEREAS, the design of many illicit vapor products is intended to appeal specifically to children and teenagers, with some products resembling toys, school supplies, and water bottles, making them easier to conceal from parents, educators, and law enforcement; and

¹ Jamal A, Park-Lee E, Birdsey J, et al. Tobacco Product Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2024. MMWR Morb Mortal Wkly Rep 2024;73:917–924. DOI:

<http://dx.doi.org/10.15585/mmwr.mm7341a2>

² Chadi N, Hadland SE, Harris SK. Understanding the implications of the "vaping epidemic" among adolescents and young adults: A call for action. Subst Abus. 2019;40(1):7-10. doi: 10.1080/08897077.2019.1580241. Epub 2019 Mar 18. PMID: 30883295; PMCID: PMC6583912

³ <https://www.fda.gov/tobacco-products/ctp-newsroom/fda-takes-action-against-unauthorized-e-cigarettes-promoted-industry-trade-show>

WHEREAS, it is undisputed that these illicit vapor products primarily originate from China⁴, have not undergone FDA review, evaluation, or authorization, leave their chemical composition and potential dangers entirely unknown, and continue to flood into our communities where they are widely available; and

WHEREAS, without a sustained and comprehensive federal enforcement effort, China continues to profit from the sales of illicit vapor products to American youth and the burden falls to states^{5,6,7} to enact legislation to require manufacturer registration, product compliance, and penalties for violations, and to local law enforcement to coordinate with health departments to seize illicit vapor products⁸; and

WHEREAS, it only takes one “bad batch” of unknown substances in illicit vapor products to create serious health impacts in youth, as evidenced in 2020 when illicit vapor products containing vitamin E acetate poisoned thousands⁹;

NOW, THEREFORE, BE IT RESOLVED, the National Sheriffs' Association (NSA) urges the FDA and relevant federal agencies to prioritize the enforcement of laws regulating vapor product imports and to expedite actions to prevent illegal e-cigarettes from entering U.S. markets;

BE IT FURTHER RESOLVED, the NSA supports stronger interagency cooperation between federal, state, and local entities to ensure consistent and rigorous enforcement;

BE IT FURTHER RESOLVED, the NSA calls upon Congress to utilize existing resources and legislative support for FDA enforcement capabilities, and supports the passage of legislation in states such as directories and other enforcement tools to address the sale of illicit vapor products;

BE IT FURTHER RESOLVED, the NSA stands in support of comprehensive efforts to protect the health and safety of young Americans by curbing the availability and appeal of illicit vapor products.

⁴ https://www.fda.gov/news-events/press-announcements/76-million-illegal-e-cigarettes-seized-joint-federal-operation?utm_source=chatgpt.com

⁵ <https://www.flsenate.gov/Session/Bill/2024/1007/Analyses/h1007z1.RRS.PDF>

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<https://www.legis.la.gov/Legis/ViewDocument.aspx?d=1352190#:~:text=Proposed%20law%20provides%20that%20the,for%20purposes%20of%20proposed%20law.&text=Proposed%20law%20provides%20that%20any,reenact%20and%20redesignate%20existing%20law.>

⁷ <https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H900v5.pdf>

⁸ De La Fuente, James, News 10, Aug 20, 2024, at <https://www.news10.com/video/top-video/sting-operation-for-flavored-tobacco-vapes/>.

⁹ https://archive.cdc.gov/www_cdc_gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html