



BOARD OF EDUCATION



JEFFREY ARNETT  
MICHELLE MAGINOT  
REID MYERS  
NANCY NEWKIRK  
BRIDGET WATSON

January 21, 2020

Dear City Manager Kent Steffens:

On January 9, 2020, the Sunnyvale School District Board of Education unanimously passed the enclosed resolution establishing their opposition to the use and sale of e-cigarettes and electronic vaping devices as well as the District's opposition to the sale, manufacture, and distribution of flavored tobacco products, including menthol, e-cigarettes, and electronic vaping devices. The resolution also supports establishing proximity requirements of any tobacco retailers near schools and other youth-sensitive areas.

We ask for your support for the implementation of ordinances and/or legislation to align with the intent and terms of the enclosed resolution. Thank you for your consideration and assistance in keeping our youth protected from these harmful products.

Yours sincerely,

Benjamin H. Picard, Ed.D.  
Superintendent of Schools

Michelle Maginot  
President, Board of Education  
Sunnyvale School District

Cc: Members, Board of Education

**SUNNYVALE SCHOOL DISTRICT  
BOARD OF EDUCATION  
RESOLUTION NO. 20-10**

**Resolution Opposing the Use and Sale of E-cigarettes and Electronic Vaping Devices**

**WHEREAS**, e-cigarette use among youth in the United States has skyrocketed to what the U.S. Surgeon General and the U.S. Food & Drug Administration have called “epidemic” levels; and

**WHEREAS**, federal data shows that e-cigarette use among middle and high school students more than doubled from 2017 to 2019, with five million youths reportedly having used e-cigarettes in 2019; and

**WHEREAS**, state data shows that one in eight California high school students currently use tobacco products, with the most used product among all students being electronic smoking devices and flavored products; and

**WHEREAS**, with more than 15,000 available flavors, including many kid-friendly flavors such as mango, fruit, and crème, flavored nicotine products commonly referred to as “vapes,” “vape juice,” “vape liquid,” “e-juice,” etc., have fueled e-cigarette use among youth ; and

**WHEREAS**, widespread advertising for these products, including via media for which advertising for conventional tobacco products is prohibited, such as television, has contributed to the increase in e-cigarette use among youth; and

**WHEREAS**, the accessibility of these products in retailers such as vape shops, pharmacies, and convenience stores, and lower costs of some of the products relative to conventional cigarettes made possible by social media promotion from retailers and coupons, discounts, and other promotional materials make these products more easily available to youth; and

**WHEREAS**, e-cigarette use is unsafe and has negative health effects on teens and young adults; and

**WHEREAS**, more than 40 people, including four Californians, have died of lung illness after vaping in 2019; and

**WHEREAS**, teen nicotine use can impair parts of the brain that control attention and learning, as well as mood and impulse control; and

**WHEREAS**, teens who use e-cigarettes are nearly three times more likely to go on to smoke combustible cigarettes than their peers who don’t use any type of tobacco product; and

**WHEREAS**, tobacco use remains the leading cause of preventable death in the U.S., killing more than 480,000 people each year; and

**WHEREAS**, tobacco-use rates are affected by where tobacco retailers are located and how concentrated they are in a given area; and

**WHEREAS**, increased availability of tobacco products is associated with increases in both youth and adult smoking rates; and

**WHEREAS**, under California law, local jurisdictions have the authority to regulate the sale of tobacco products through local tobacco retailer license programs; and

**WHEREAS**, such local tobacco license programs aim to decrease illegal sales of tobacco products, including flavored tobacco products, to minors by establishing maximum thresholds of tobacco retailer densities and establishing proximity requirements near schools and other youth-sensitive areas;

**NOW, THEREFORE BE IT RESOLVED**, the Sunnyvale School District Board of Education supports the Sunnyvale City Council, under its regulatory authority, to take urgent action to amend the City of Sunnyvale's Tobacco Retailer License program to address the following:

1. prohibit the sale, manufacture, and distribution of flavored tobacco products, including menthol;
2. prohibit the sale, manufacture, and distribution of e-cigarettes and electronic vaping devices;
3. prohibit the sale of tobacco products in pharmacies;
4. set a minimum price and minimum pack size for sale;
5. restrict the marketing (including social media marketing), product placement, coupons and promotional materials, and self-service displays of tobacco products in and from retailers;
6. reduce the concentration and density of tobacco stores; and
7. prohibit a tobacco retailer license from being issued to or renewed for a business operating too close to a school or other area frequented by youth.

**BE IT FURTHER RESOLVED**, that the governing board of the Sunnyvale School District will adopt policy that specifically prohibits e-cigarettes anywhere in district-owned or leased buildings, on school or district property, and in district vehicles; and

**BE IT FURTHER RESOLVED**, that the Governing Board of the Sunnyvale School District will explore policies related to providing e-cigarette and electronic vaping device prevention and intervention services for district students.

Adopted by the Governing Board of the Sunnyvale School District on January 9, 2020, by the following vote:

AYES: ARNETT, MAGINOT, MYERS, NEWKIRK, WATSON

NOES: ☒

ABSTAIN: ☒

ABSENT: ☒



Signature (Governing Board President)



Signature (Governing Board Clerk)