



## BOARD RESOLUTION IN SUPPORT OF TOBACCO 21 (T-21)

### LEGISLATION IN WISCONSIN

**Whereas**, tobacco use is a well-recognized health risk for young people and adults and the single most preventable cause of death in the United States; and

**Whereas**, Wisconsin school boards are required by [section 120.12\(20\)](#), Wis. Statutes, to prohibit the use of tobacco products on premises owned, rented by or under the control of the school district. This prohibition applies to any use of tobacco products, not just smoking, and applies to everyone, not just students and staff; and

**Whereas**, schools face a number of additional potential financial and other sanctions if they allow smoking in schools or school facilities. For example, Wisconsin's Clean Indoor Air Act ([section 101.123](#), Wis. Statutes) prohibits smoking in enclosed places, including educational facilities and public conveyances (including school buses). The person in charge of these places is responsible for making reasonable efforts to prohibit persons from illegally smoking. If the person in charge fails to take any required action to stop illegal smoking, he/she is subject to penalties outlined in state law; and

**Whereas**, the federal [Pro-Children Act of 2001](#) also prohibits any person from permitting smoking within any indoor facility that is used to provide regular kindergarten, elementary or secondary education to children and is funded directly by the federal government or funded through state or local governments as part of a federal grant; and

**Whereas**, in recent years new products called e-cigarettes have been developed that mimic cigarette smoking but do not involve combustion. E-cigarettes are battery-powered devices that heat a liquid into an aerosol that the user inhales. The use of such devices (sometimes referred to as "e-cigs" or "vape pens") is referred to as "vaping" because tiny puffs or clouds of vapor are produced when using the devices. The liquid (often referred to as "e-juice") typically contains nicotine, as well as flavoring, and other additives. Just as it is with regular cigarettes, the nicotine in e-cigarettes is addictive; and

**Whereas**, because e-cigarettes produce vapor but do not produce smoke, their use may be easier to conceal than traditional tobacco cigarettes, making it more likely they will be used by students in schools. In addition, many types of vaping devices are available, including the popular brand JUUL, the use of which is rapidly becoming prevalent with youth in middle and high school because of its small size, and because it looks like a USB device, making it easier to conceal and harder to detect. Using a JUUL device is often referred to as "JUULing."

**Whereas**, strong concerns have been raised that e-cigarettes are being designed and marketed specifically to appeal young people, including the use of flavorings (such as mint, fruit, and bubble gum) that not only appeal to young people but may encourage young people to take up using e-cigarettes who otherwise might not have been exposed to tobacco cigarettes. Many young people mistakenly believe that the liquid used in vaping only contains water and flavoring and are unaware that it contains nicotine or other chemicals. As a result, they may see vaping as less dangerous than using other tobacco products, such as cigarettes. However, the amount of nicotine in the liquid can be the same or even more than the amount found in cigarettes.

**Whereas**, because e-cigarettes are such a new product, not enough is known about the long-term health effects of their use; however, it is becoming clear that e-cigarette use poses a significant – and avoidable – health risk to young people. According to the U.S. Surgeon General, beyond increasing the possibility of addiction and long-term harm to brain development and respiratory health, e-cigarette use is associated with the use of other tobacco products that can do even more damage to the body. Even breathing e-cigarette aerosol vapor that someone else has exhaled poses potential health risks; and

**Whereas**, while e-cigarettes do not deliver carbon monoxide or deliver as many carcinogens as traditional tobacco cigarettes, they are also far from harmless. In addition to nicotine, e-cigarettes may contain harmful and potentially harmful ingredients, among which include the following: ultrafine particles that can be inhaled deep into the lungs; flavorants containing diacetyl, a chemical linked to serious lung disease; volatile organic compounds; and heavy metals, such as nickel, tin, and lead; and

**Whereas**, the Surgeon General warns that young people are uniquely at risk for long-term, long-lasting effects of exposing their developing brains to nicotine. These risks include nicotine addiction, mood disorders, and permanent lowering of impulse control. Nicotine also changes the way synapses are formed, which can harm the parts of the brain that control attention and learning; and

**Whereas**, schools, for all of the above reasons, have a strong interest in limiting the use of nicotine delivering products among students, yet with the rapidly expanding use of e-cigarettes are finding this increasingly difficult, particularly as new and easily concealed devices or devices that mimic other products such as computer flash drives are emerging; and

**Whereas**, the use of e-cigarettes and vaping devices among school age children is rising at an alarming rate. Between 2017 and 2018 alone, the use of vapor products by high school students increased 78 percent, and by 48 percent among middle school students, according to figures from the federal Food and Drug Administration (FDA). Studies have shown nearly 40 percent of 12th graders report using an e-vapor product in the past 12 months; and

**Whereas**, it is currently illegal for Wisconsin retailers to sell tobacco cigarettes or e-cigarettes with nicotine to anyone under the age of 18, and it is also illegal for anyone under the age of 18 to purchase or possess e-cigarettes with nicotine in Wisconsin. Nevertheless; the vast majority of high school and middle school students obtain e-cigarettes or other vaping devices and products from social sources, such as a classmate or friend. Obtaining vaping devices and products has proven to be far too easy for school age people, in part because 80 percent of their classmates will turn 18 before they graduate; and

**Whereas**, school boards from throughout the state adopted a resolution at the 2019 Wisconsin Association of School Boards (WASB) Delegate Assembly proclaiming that the WASB supports school learning environments free of tobacco, nicotine and vaping products and devices that provides support for raising the legal age as a way to keep schools free of these products and devices; and

**Whereas**, legislation to increase the age for sale, purchase, and possession of cigarettes and nicotine and tobacco products, including vapor products, from 18 to 21 has been enacted in at least 17 other states and similar bipartisan legislation has been recently been introduced as Senate Bill 364 to do the same in Wisconsin; and

**Whereas**, increasing the age to 21 will significantly reduce the social access points through which both tobacco, other nicotine products and e-cigarettes can be obtained by school-age students, and will align age restrictions for vaping and tobacco products with other adult products, including beer, wine and distilled spirits; and

**Whereas**, the bipartisan legislation currently before the Wisconsin Legislature has broad support from public health organizations and officials, youth groups, educators, health care providers, and the law enforcement community, along with the largest manufacturers of vapor products. Support has specifically been expressed by such diverse Wisconsin organizations as the American Heart Association; Wisconsin Association of School Boards; Wisconsin Chiefs of Police Association; Association of Wisconsin School Administrators; Boys & Girls Clubs of Wisconsin; Wal-Mart Stores; Aurora Health Care; Marshfield Clinic Health System; Marshfield Children's Hospital; Altria Client Services; JUUL Labs, Inc.; RAI Services (formerly Reynolds American Inc.); Wisconsin Association of School Business Officials; Wisconsin Association of School District Administrators; Wisconsin Association of School Personnel Administrators, Wisconsin Council for Administrators of Special Services; Wisconsin Retired Educators Association.

**Therefore**, Be It Resolved that the \_\_\_\_\_ School District of Osceola \_\_\_\_\_ Board of Education calls on the lawmakers that represent it, State Senator Patty Schachtner and State Representative(s) Gae Magnafici and Governor Evers to enact legislation raising the minimum age for purchasing cigarettes, tobacco products, or nicotine products from 18 to 21, and imposing a minimum age of 21 for purchasing vapor products.