
Introduced by Senator Corbett

May 19, 2009

Senate Joint Resolution No. 8—Relative to electronic cigarettes.

LEGISLATIVE COUNSEL'S DIGEST

SJR 8, as introduced, Corbett. Electronic cigarettes.

This measure would request that the federal Food and Drug Administration prohibit all sales of electronic cigarettes until they have been found by FDA to be safe.

Fiscal committee: no.

1 WHEREAS, The chemical nicotine is classified as a drug due
2 to its stimulative, sedative, and addictive qualities; and

3 WHEREAS, More that 90 percent of smokers who seek to quit
4 their addiction to nicotine fail, most relapsing within one week;
5 and

6 WHEREAS, Extended exposure to nicotine results in tolerance,
7 requiring escalating doses of the drug to receive the desired
8 stimulation; and

9 WHEREAS, Withdrawal symptoms from nicotine include
10 cognitive and attention defects, cravings, inability to sleep, and
11 sleep disturbance; and

12 WHEREAS, An unregulated product called electronic cigarettes
13 is currently being marketed as a smokeless alternative to traditional
14 cigarettes; and

15 WHEREAS, Electronic cigarettes are rechargeable, battery
16 operated drug delivery devices that look similar to cigarettes and
17 allow the user to inhale a smokeless vapor often containing
18 nicotine; and

1 WHEREAS, Electronic cigarette producers market their product
2 to children by utilizing shopping mall kiosks and locations
3 frequented by children; and

4 WHEREAS, These marketing efforts are similar to previous
5 attempts to entice children to use nicotine products. Previous
6 campaigns have included products such as cigarette candy and
7 advertisements with cartoon characters and flashy packaging; and

8 WHEREAS, Studies show a correlation between children who
9 used cigarette candy and adults who are current or former smokers;
10 and

11 WHEREAS, The federal Food and Drug Administration has
12 previously banned nicotine lollipops and lip balm; and

13 WHEREAS, A study published in the Journal of the National
14 Cancer Institute found that teens were more likely to be influenced
15 to smoke by cigarette marketing than by peer pressure. Similarly,
16 a study published in the Journal of the American Medical
17 Association found that as much as one-third of underage
18 experimentation with smoking was attributable to tobacco company
19 marketing efforts; and

20 WHEREAS, Electronic cigarettes may increase the number of
21 young smokers; and

22 WHEREAS, According to the National Survey on Drug Use
23 and Health, over 3,600 people under the age of 18 begin smoking
24 daily, 1,100 of whom will become regular smokers. One-third of
25 these young smokers will die of smoking-related illnesses; and

26 WHEREAS, It is in the best interest of California to protect
27 children from these products; now, therefore, be it

28 *Resolved by the Senate and the Assembly of the State of*
29 *California, jointly,* That the Legislature calls upon local, state, and
30 federal governments to find ways to prevent the use of nicotine
31 products by children; and be it further

32 *Resolved,* That the Legislature requests that the federal Food
33 and Drug Administration (FDA), which has jurisdiction over the
34 regulation of nicotine products, prohibit all sales of electronic
35 cigarettes until they have been found by that FDA to be safe; and
36 be it further

37 *Resolved,* That the Secretary of the Senate transmit copies of
38 this resolution to the President and Vice President of the United
39 States, to the President pro Tempore of the United States Senate,
40 to the Speaker of the House of Representatives, to each Senator

- 1 and Representative from California in the Congress of the United
- 2 States, to the Commissioner of the United States Food and Drug
- 3 Administration, and to the author for appropriate distribution.

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