

Resolution of the Barrington Town Council Requesting That The Rhode Island General Assembly Allow Local Control of Tobacco Policies

WHEREAS, cigarette smoking and exposure to secondhand smoke cause approximately one out of every five deaths in the U.S., and more than 480,000 premature deaths each year. This includes at least 28 percent of all cancer deaths and 90 percent of lung cancer deaths; and

WHEREAS, in Rhode Island, cigarette smoking kills 1,800 adults annually and 16,000 young people, currently under the age of 18, will die prematurely due to smoking, and

WHEREAS, each year, Rhode Island spends \$640 million on health care costs, \$217 million on Medicaid costs and \$459 million on lost worker productivity directly caused by cigarette smoking; and

WHEREAS, the tobacco industry, in an effort to negate local laws, has developed as its chief strategy the removal of local authority to regulate tobacco; and

WHEREAS, in Rhode Island, several cities and towns have been sued by the tobacco and vaping industries, including Barrington, and the courts have ruled that municipalities do not have the authority to pass or enforce local ordinances that regulate the use and sale of any tobacco or nicotine products; and

WHEREAS, in order to address community-specific public health issues, it is important that local communities retain the power to adopt public health measures tailored to their needs; and

WHEREAS, from a health equity standpoint, the use of local knowledge to forge community-specific solutions enables localities to employ a targeted approach to combat health disparities and ensure equitable access to better public health; and

WHEREAS, protecting people from the harmful effects of tobacco and secondhand smoke is best accomplished by local communities working directly with the people most affected by tobacco control laws; and

WHEREAS, the National Academy of Medicine recommends that states avoid preempting local public health policies through 'ceiling preemption' and instead should set minimum requirements that would allow localities to further protect the public's health, and

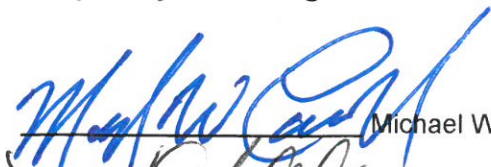
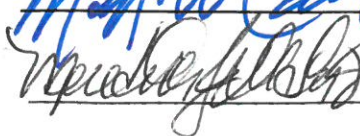
WHEREAS, citations for the information provided in this resolution is on the following page.

NOW, THEREFORE, BE IT RESOLVED, that the Barrington Town Council urges the Rhode Island General Assembly to pass House Bill 5633 and Senate Bill 258, allowing cities and towns the authority to regulate the use and sale of cigarettes, other tobacco products and electronic nicotine delivery systems AND enforce local tobacco control laws; and, be it further

RESOLVED that the Barrington Town Council encourages other municipalities in Rhode Island to adopt similar resolutions, and that this resolution be distributed to the Councils of all municipalities in RI, the Speaker of the RI House, the RI Senate President, Barrington's General Assembly members and Governor McKee.

Submitted to the Council by: Councilor Jacob N. S. Brier, Liaison to the BAY Team

Adopted by the Barrington Town Council: May 3, 2021

Michael W. Carroll, President, Barrington Town Council

Meredith J. DeSisto, Town Clerk

CITATIONS for Barrington Town Council Resolution in support of Legislation to authorize local control of tobacco policies

U.S. Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

U.S. Department of Health and Human Services. [How Tobacco Smoke Causes Disease: What It Means to You](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.

Centers for Disease Control and Prevention. [Quick Stats: Number of Deaths from 10 Leading Causes—National Vital Statistics System, United States, 2010](#). Morbidity and Mortality Weekly Report 2013;62(08);155.

Federal Trade Commission. [Federal Trade Commission Smokeless Tobacco Report for 2018 \[PDF-578 KB\]external icon](#). Washington: Federal Trade Commission, 2019

Federal Trade Commission. [Federal Trade Commission Cigarette Report for 2018 pdf icon \[PDF-281 KB\]external icon](#). Washington: Federal Trade Commission, 2019

Frank J. Goodnow, City Government in the United States 39 (1908) State v. Hutchinson, 624 P.2d 1116, 1122

Julie Ralston Aoki et al., Maximizing Community Voices to Address Health Inequities: How the Law Hinders and Helps, 45 J. Law Med. Ethics, 11 (2017)

Dai H and Hao J. Flavored Electronic Cigarette Use and Smoking Among Youth. Pediatrics. 2016;138

National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division. For the Public's Health: Revitalizing Law and Policy to Meet New Challenges. June 2011. Available at: <http://www.nationalacademies.org/hmd/Reports/2011/For-the-Publics-HealthRevitalizing-Law-and-Policy-to-Meet-New-Challenges.aspx>.

Campaign for Tobacco Free Kids, https://www.tobaccofreekids.org/problem/toll-us/rhode_island