




Sent: May 20, 2019


CITY COUNCIL REPORT FROM STAFF

To: Mayor and City Council

Approved: Julie Arendall, City Manager 

cc: Department Directors

FROM: Jerry Geier, Chief of Police

THROUGH: Dan Cotterman, Deputy City Manager 

RE: Electronic Cigarettes and Vaping in Goodyear Schools

Purpose:

The purpose of this yellow paper is to provide information regarding the issue of electronic cigarettes (vaping) and their increased usage in Goodyear schools.

Background and Problem Statement:

Electronic cigarettes (e-cigarettes) are battery-operated devices that people use to inhale an aerosol, which typically contains nicotine, flavorings, and other chemicals. In many e-cigarettes, puffing activates the battery-powered heating device, which vaporizes the liquid in the cartridge or reservoir. The person then inhales the resulting aerosol or vapor (called *vaping*). Some common nicknames for e-cigarettes are: e-cigs, hookah pens, vapes, vape pens and mods (customizable, more powerful vaporizers).

E-cigarettes entered the U.S. marketplace in 2007, and by 2014 were the most commonly used tobacco product among high school students according to the Centers for Disease Control and Prevention (CDC). Their easy availability, alluring advertisements, various flavors, and the belief that they're safer than cigarettes have helped make them appealing to this age group. E-cigarettes are a type of Electronic Nicotine Delivery System (ENDS), a class of products that includes single-use devices that look like traditional cigarettes and a range of "vaping" devices of various styles.



More than 460 different e-cigarette brands are currently on the market, and they can resemble futuristic, mechanical cigars or look like everyday household devices such as thumb drives, inhalers, pens, lipstick tubes, sticks of gum, or erasers. The liquid in the e-cigarette is called e-liquid or e-juice. Most of the e-liquids contain highly concentrated nicotine along with other potentially toxic chemicals. Vaping devices are also used to vaporize THC, the chemical responsible for most of marijuana's mind-altering effects, often through cannabis-infused oils in place of e-liquids.



According to the National Institute on Drug Abuse's Monitoring the Future (MTF) survey, the number of high school students who reported vaping nicotine nearly doubled from 2017 to 2018. This represents the largest one-year increase for any substance since the mid-1970's. In 2017, the same MTF survey reported that about 6% of teens who ever vaped reported vaping marijuana (<https://www.drugabuse.gov/related-topics/trends-statistics/monitoring-future>). Manufacturers of vaping products promote the premise that e-cigarettes are less harmful than traditional tobacco products, but there is increased evidence that vaping can be equally or more harmful to the respiratory system than tobacco cigarettes.

In Arizona, studies show that while consumption of traditional cigarettes has gone down, youth consumption of e-cigarettes has increased dramatically, with more than 19% of high school students now using these products. As a result, Arizona schools are spending increased time and resources combating this growing problem.

Arizona Laws:

Under A.R.S. 13-3622, it is illegal for a minor under age 18 to purchase or possess e-cigarettes or vaping products. It is also illegal for anyone to supply or sell these products to a minor. However, these types of crimes are categorized as petty offenses that typically result in merely a fine, rather than a term of incarceration. Violations of the law continue to be an issue, and minors are able to obtain products relatively easily. School Resource Officers (SROs) report that students at Goodyear schools have confessed to purchasing vaping products easily at local smoke shops without being asked for proof of age.

A.R.S. 36-798.06 prohibits anyone other than a licensed retailer from buying cigarettes, rolling tobacco, and most other tobacco products online, over the phone, or through mail order. This statute makes it a felony to purchase tobacco products anywhere but face-to-face in a retail establishment. However, the law only extends to traditional rolled nicotine products such as cigarettes, and does not apply to e-cigarettes. Ultimately, children under age 18 can obtain vaping pens and supplies online without proof of age, although existing laws clearly restrict possession of these products by minors.

Goodyear Schools:

Incidents of e-cigarette use in local schools have increased dramatically in the last year. At Millennium High School, administration reported an increase in all tobacco and drug related disciplinary actions, including vaping, from 36 incidents in 2017-2018 to 140 incidents in the current school year during the same timeframe. According to SROs, vaping materials are easily obtainable, and detection is challenging because students have become good at hiding paraphernalia. As previously noted, the vaping industry has continued to produce all sorts of products that look like everyday items such as USB flash drives or pens.

While not actually seen yet in any Goodyear schools, a company called Vapewear has even designed vapor delivery systems that are discreetly integrated into hoodies and backpacks, easily available for purchase on websites such as Amazon.



VAPRWEAR Lightweight Short-Sleeve Hoodie - Gray

Students also know to hide devices on their person, rather than in a backpack, since school policies often limit physical body searches unless criminal activity is suspected. School administrators handle incidents of e-cigarette use involving only nicotine or flavorings as part of the standard school disciplinary process. SROs become involved when incidents involve illegal drugs, such as THC oil or wax. These are then handled like any other drug-related case and are prosecuted to the extent permitted by law.

Sales of illegal drugs, including THC oil, can be done easily through cellphone apps like SnapChat. This app is popular due to the fact that direct messages are instantly deleted once someone replies to them. All posts on a message feed are available only to identified “friend” users and are password protected. These message feeds also delete after 24 hours, making detection difficult. SROs get many of their tips on vaping and drug use from other students reporting suspicious smells in bathrooms or other areas. SROs believe that the availability of illegal substances in schools has increased due to the proximity of medical marijuana dispensaries. Often sales are from adults outside of the school community, but there have been some cases of high school students obtaining their own medical marijuana cards once they turn 18 who then re-sell products to their classmates.

Some local schools are turning to technology to assist with enforcement and deterrence. A wall-mounted unit called “FlySense” can provide real-time vaping and elevated sound incident detection in places such as school bathrooms, locker rooms, or other areas where cameras might be prohibited or impractical. These multi-sensor devices are capable of detecting vaping, smoke, and noise disturbances that may suggest violence such as bullying. Ten FlySense units (shown to the right) have recently been installed at Millennium High School, and the district is looking to install devices district-wide.



Districts also encourage the use of phone apps such as SafeSchools Alert as a reporting service for logging a variety of tips including drug use, bullying, intimidation, weapons and other threats to school safety.

Education and Awareness:

Our SROs are continuing to try and educate both students and parents about e-cigarette use. They work closely with their assigned schools to monitor, deter, and provide enforcement for any illegal activities. SROs teach parent education classes, provide classes for incoming freshmen, and teach ongoing drug education training for all students in order to foster a positive learning environment.

Local schools have applied for funding for tobacco education programs and have offered education programs for students and parents outside of the school day. Unfortunately,

schools report low attendance at these programs. For example, Millennium High School recently held “Vape Night” evening presentation, and only had 25 attendees out of a student population of 2,200.

Proposed Legislation:

There are currently two bills making their way through the Arizona legislature that would change the way e-cigarettes and related products are regulated. S.B. 1147 would raise the age limit to purchase tobacco, e-cigarettes and other nicotine products to 21 years and create new restrictions on using vaping products at schools and on providing them minors, including through online sales. Critics of the bill fear that while it appears to tighten regulations due to the age restriction, it would actually bar cities, counties and other political subdivisions from imposing their own regulations that dictate where vaping stores can be located and lift current restrictions on marketing.

H.B. 2357, would regulate e-cigarettes and vaping in statute along with tobacco as part of the Smoke-Free Arizona Act. This would prohibit their use in certain areas, raise the legal age for possession to 21, and require proof of age for online sales of vaping products. However, as a voter-approved law, the Smoke-Free Arizona Act could only be amended under the provisions of Arizona’s Voter Protection Act, which would require a three-fourths vote in both chambers of the legislature. To date, neither of these proposed bills has passed out of the legislature.

Future Enforcement:

The issue of e-cigarette use and vaping will continue to be a high priority for the police department. The Neighborhood Enforcement Team (NET) monitors all smoke shops within the city to gain information on sales of vaping-related products, including potential illegal sales to minors. During the next few weeks, when school gets out, NET will conduct details at local establishments to ensure compliance with all local and federal laws. In the near future, the department will also be undertaking a social media campaign to bring awareness to the dangers of e-cigarettes and vaping, including laws related to their use and possession by minors.