

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RES2022-_____

ERIC GARNER MEMORIAL RESOLUTION TO REQUESTING THAT NO CITY FUNDS BE UTILIZED TO RECORD AND/OR INVESTIGATE THE SALE OR USE OF MENTHOL CIGARETTES OR FLAVORED CIGARS; AND FOR OTHER PURPOSES.

(Sponsored by Mayor khalid)

Plain Text Explanation: Deprioritizing the arrest & prosecution of menthol cigarette users.

WHEREAS, The City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, U.S. Food and Drug Administration is expected to introduce a nationwide ban on the sale of menthol cigarettes and flavored cigars, according to the article attached as Exhibit "A";

WHEREAS, Section 4.15 of the City Charter authorizes the City Council to put rules and regulations in place concerning the pay for persons employed by the City; and

WHEREAS, the City Council of South Fulton seeks to slow the supply of South Fulton citizens, especially youth, into the prison pipeline; and

WHEREAS, according to the United States Food & Drug Administration and Centers for Disease Control (CDC), [85 percent of Black smokers use menthol cigarettes](#), compared to 30 percent of whites; and

WHEREAS, studies by the Center for Policing Equity, [National Institutes of Health](#) and others show that people of color, especially those with low or moderate incomes, have increased exposure to policing; and

WHEREAS, with a population that is 92 percent African America, the City of South Fulton is the Blackest Big City in America, and a recent study of US National Vital Statistics System (NVSS) reveals that over the past 40 years (1979-2019), African Americans were 3.5 times more likely to die from police violence; and

WHEREAS, the City of South Fulton has a duty to protect its residents from any violation of their human rights and any criminalization of the free exercise thereof and this Resolution is in the best interest of the welfare of the City, its businesses, visitors and residents.

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY RESOLVES as follows:

Section 1. The City Council hereby requests that, in the event of a nationwide or statewide ban on the sale and use of menthol cigarettes and/or flavored cigars, no City funds shall be used to record and/or investigate the sale and/or use of menthol cigarettes, or other menthol products and flavored cigars, except in cases where such smoking, sale or distribution is done in the presence of children or pregnant persons or a being investigated as part of another crime, such as gang activity or some larger, criminal enterprise.

Section 2. The City Council requests that the South Fulton Police Department ensure that the investigation or support for the prosecution of any allegation, charge, or information relating to the sale or use of menthol products or flavored cigars will be the lowest priority for enforcement and the use or assignment of resources and personnel.

Section 3. he City of South Fulton, at the discretion of the City Manager, will allocate funds for smoking cessation education programing and public service announcements which have been the primary drivers of the sharp decline of cigarette use since the 1970s, according to the [American Lung Association](#).

Section 4. Severability. To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.

Section 5. Repeal of Conflicting Provisions. All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

[signatures and voting tabulations appear on the following page]