

## SYNTHETIC AND TOBACCO-FREE NICOTINE PRODUCTS

Adopted by Convention Delegates April 2023

- WHEREAS,** Congress granted the FDA jurisdiction over synthetic\* and tobacco-free nicotine\*\* products used in electronic delivery systems, oral pouches and other preparations, but the FDA has yet to take any meaningful action, including establishing and enforcing regulations, allowing our youth continued access to these harmful products; and,
- WHEREAS,** The chemicals used to synthesize synthetic and tobacco-free nicotine, along with the safety of their use in manufacturing, are frequently unknown and often unregulated; and,
- WHEREAS,** The safety and potential adverse health impacts of the use of commercially available synthetic and other tobacco-free nicotine products on youth are unknown; and,
- WHEREAS,** Youth consumers of synthetic and other tobacco-free nicotine products believe these products to be less addictive and are unaware of their nicotine concentration, leading to increased addiction rates; and,
- WHEREAS,** Synthetic and tobacco-free nicotine products are sold in marketplaces that do not allow tobacco products to be sold, allowing youth access; now therefore, be it
- RESOLVED,** That California State PTA and its units, councils and districts seek and support laws, regulations, policies and/or other national, state and local measures to prevent the use of synthetic and tobacco-free nicotine by youth, for use in electronic nicotine delivery systems (ENDS), electronic non-nicotine delivery systems (ENNDS), oral pouches, gum and any other preparations on school grounds, in public places and in other youth-frequented areas; and be it further,
- RESOLVED,** That California State PTA and its units, councils and districts seek and support laws, regulations, policies and/or other national, state and local measures to protect the public and especially youth by prohibiting the sale and distribution of synthetic and tobacco-free nicotine products, including the components, accessories, flavor enhancers and all nicotine delivery systems, whether flavored or unflavored; and be it further,
- RESOLVED,** That California State PTA and its units, councils and districts seek and support laws, regulations, policies and/or other national, state and local measures that provide safety information on the use of the chemicals used to manufacture synthetic and tobacco-free nicotine by demanding regulatory review and oversight; and be it further,
- RESOLVED,** That California State PTA and its units, councils and districts seek and support laws, regulations, policies and/or other national, state and local

measures to protect the public and especially youth against the adverse health impacts of commercially available synthetic and tobacco-free nicotine products by demanding safety warnings and clear descriptions of the chemicals used in manufacturing; and be it further,

- RESOLVED,** That California State PTA and its units, councils and districts seek and support laws, regulations, policies and/or other national, state and local measures for the inclusion of nicotine concentrations on the labeling of synthetic and tobacco-free nicotine products; and be it further,
- RESOLVED,** That California State PTA and its units, councils and districts seek and support laws, regulations, policies and/or other national, state and local measures that demand the removal of any marketing claims suggesting that these products are safe and non-addictive for youth; and be it further,
- RESOLVED,** That California State PTA and its units, councils and districts seek and support laws, regulations, policies and/or other national, state and local measures to protect the public and especially youth by closing regulatory loopholes that allow the sale of synthetic and non-tobacco-derived nicotine products in marketplaces where the sale of tobacco is currently not allowed.
- RESOLVED,** That the California State PTA submit this resolution to National PTA for consideration by the delegates at its convention.

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## BACKGROUND SUMMARY

The Individuals with Disabilities Education Act (IDEA), (1975, reauthorized in 2004) entrenched the right of children with disabilities to public education. Despite a clear legal presumption that, except in very limited circumstances, students should be educated in the classroom they would be in if not disabled, for the most part, special education was established in public schools as a separate place, rather than as a service within general education. This is particularly true for students with intellectual disabilities, Down syndrome and Autism, despite compelling research in favor of inclusive education.

The spirit of IDEA was to support placement in a regular classroom as an outcome of successful special education. In recent data, California is the fourth worst state at including children with Intellectual Disabilities (ID). Less than 8% of children with ID in Californian public schools spend 80% of their day in a regular classroom. Most students with ID, 63.05%, are in a regular classroom less than 40% of their day (which can be as little as zero). A further 8% are educated in a separate school provided by their school district.

In Vermont, 55.21% of children with ID spend 80% of their day in a regular classroom. To match Vermont, California would need a 650% increase, affecting 23,077 California children with ID.

The Every Student Succeeds Act (ESSA) (2015) allows schools to use an alternate assessment for students with the most significant cognitive disabilities, only if the alternate achievement standards are aligned with the state content standards, students are able to access and make progress in general education, and they have an opportunity to earn a regular high school diploma; all of which many students placed on the California Alternate Assessment lack.

Recent state initiatives offering technical assistance to schools and studies, such as the Work Group on an Alternate Pathway to a Diploma, indicate California's support for inclusive education but move the needle very slowly.

Parents/Caregivers/Guardians can use their rights under IDEA to access inclusive placements on an ad hoc basis. Without a system of support, inclusion one child at a time is often stressful for students, parents, and school professionals. As families often need to hire legal assistance, the system is unfair to low-income students. We should not need an attorney to access Kindergarten! We need systemic change to make inclusion for children with cognitive disabilities the norm in our schools.