

MAYOR AND COUNCIL COMMUNICATION

DATE: February 18, 2025

TO: Mayor and Council

FROM: Susana Huerta, Planning and Zoning Director

THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Presentation and Discussion of an Ordinance Amending Chapter 6 Health and Sanitation, Article 6.05 Smoking Regulations to Incorporate Electronic Smoking Devices (ESDs)

SPONSOR(S): None

PURPOSE & BACKGROUND

The Leon Valley Smoking Regulations, adopted in 2008 and contained in Chapter 6 Health and Sanitation, Article 6.05, provides for smoke-free air in public places. The ordinance addresses smoke only from combustible smoking devices (i.e. cigarettes and cigars). In 2014, electronic smoking devices (ESDs), such as e-cigarettes or vapes, entered the market, therefore, ESDs were not included in the original Ordinance.

This amendment would include ESDs and would prohibit the use of ESDs in the same places where smoking is currently prohibited.

The amendment will contain three changes related to ESDs and one change due to the preemption of state law.

1. Add the definition of Electronic Smoking Devices (ESDs) to the Section. 6.05.003 - Definitions.
2. Add Section. 6.05.009 - Posting of Signs.: Establishments will be required to include the electronic smoking device icon on signs, along with the traditional cigarette icon. Both icons would be enclosed in the standard red circle with a red bar across them. This signage will be required for every public place and place of employment where smoking is currently prohibited.
3. Section 6.05.008 - Distribution, display, and sale of tobacco products; and cigarette machines. Our ordinance had set the age of sale to 21 years. This was preempted by the State's law passed in 2019 (still at 21 yrs), so current code language is not needed.

The amendment to the Leon Valley Smoking Regulations Ordinance benefits the community by prohibiting exposure to both secondhand smoke and the vapor from electronic smoking devices in public places. This protects employees and patrons from exposure to dangerous substances. Many tobacco and vaping products contain harmful chemicals, which can damage lungs and affect brain development and can be especially troubling for young people.

The Texas State Law applies to purchasing vapes, by dictating age restrictions and still applies fines for purchase, use and possession of vapes by persons under a certain age.

The amendment restricts vaping in the same places where smoking is restricted. Restrictions and penalties for vaping are the same as for smoking. The amendment does not change those current rules.

In 2019, the 86th Legislature passed Senate Bill 21, which increases the legal age for the purchase of cigarettes, e-cigarettes or tobacco products, from 18 to 21, including:

- sale
- distribution
- possession
- purchase
- consumption
- receipt

FISCAL IMPACT

None, with the exception of some sales tax.

RECOMMENDATION

Approval of the ordinance amendment.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary