

Consider Amending Leon Valley City Code
Chapter 6 Health & Sanitation
Article 6.05 Smoking Regulations

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Summary

- Question
 - Should the City Council consider amending the Smoking Regulations Ordinance to include Electronic Smoking Devices (ESDs - Vaping)
- Options
 - Approval
 - Denial
 - Other
- Declaration
 - This amendment will benefit the community by prohibiting exposure to secondhand smoke & vapor from ESD's

Purpose

- Adopted in 2008, Article 6.05, provides for smoke-free air in public places
- Current Code only addresses smoke from combustible smoking devices (i.e. cigarettes and cigars) and not ESD's
- In 2014, ESDs, such as e-cigarettes or vapes, entered the market & became very popular with teens and young adults
- The amendment would include ESDs & prohibit use of ESDs in the same areas where smoking is currently prohibited
- The amendment would be effective 90 days after adoption

Purpose / Background

Changes:

- Adds the definition of Electronic Smoking Devices (ESDs)
- Adds requirement to include the ESD icon on signs, along with with the traditional cigarette icon
 - Both icons would be enclosed in the standard red circle with a red bar across them
- Remove the age statute - current ordinance states persons age of sale at 21 years, but State law already references age at 21 – so proposed amendment would omit any age reference

Signage Examples



Purpose / Background

- Many tobacco & vaping products contain harmful chemicals, which can damage lungs & affect brain development - this is especially troubling for young people
- Texas State Law applies to purchasing vapes, by dictating age restrictions & applies fines for purchase, use and possession of vapes by people 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

Fiscal Impact

- None to the City, other than sales tax

Recommendation

- Staff recommends approval of the ordinance amendment