

# **Modernization of the City of San Antonio's Smoke-Free Policy**



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"A" Session Briefing

San Antonio City Council - Item #36

**October 31, 2024**

# Background



1964  
Surgeon  
General's  
Smoking and  
Health Report

2010  
SA Smoke-Free  
Policy Adopted

2014  
E-cigarettes  
(ESDs) entered  
market

2018  
SA Tobacco 21  
Policy Adopted

The City of San Antonio's Smoking Ordinance (Chapter 36) requires updating to effectively address vaping trends and **Electronic Smoking Device (ESD)** usage, also known as e-cigarettes or vapes.

- The current policy does not prohibit e-cigarette smoking or vaping indoors.



## Chapter 36 – Smoking (Ch. 36, §§ 36-1—36-18 )

(Ord. No. 2010-08-19-0697, § 1, 8-19-10; Ord. No. [2018-01-11-0001](#), § 1, 1-11-18)

[https://library.municode.com/tx/san\\_antonio/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH36SM](https://library.municode.com/tx/san_antonio/codes/code_of_ordinances?nodeId=PTIICO_CH36SM)

# Current Landscape



## Ordinance Amendment

- Modernize the current ordinance to include e-cigarettes/vaping devices in San Antonio's smoke-free policy



## Texas House Bill 114

- Effective 9/1/23- requires Texas schools to impose specific mandatory disciplinary measures on students caught with e-cigarettes/vapes.



## Location and Density

- CCR – B.R.E.A.T.H filed on 9/5/2024 to amend UDC Article III Zoning to restrict retail tobacco stores and vape shops within 1,000 feet of schools, daycares, and colleges/universities

# E-Cigarette Public Health Consequences

- **Involuntary Exposure**

- The use of e-cigarettes (ESDs) in public areas poses a serious health risk.
- Increased concentration of toxicants from secondhand aerosols poses an increased risk to the health of all bystanders.

- **Renormalization of Negative Health Behaviors**

- Permitting indoor vaping might renormalize tobacco smoking in smoke-free environments (*WHO, 2017*)
- Misconceptions regarding ESDs as a tobacco cessation method can lead to false perceptions of vaping as “safe.”





# Current Epidemic: E-cigarettes and Youth Vaping



- E-cigarettes are the **most popular** tobacco product used by youth for the 10<sup>th</sup> year. (*National Youth Tobacco Survey, 2023*)
- **1 in 4** students reported **daily e-cigarette usage** (*National Youth Tobacco Survey, 2023*)
- **21.0%** of high school and **10.2%** of middle school students reported **ever** using e-cigarettes in Texas.
- **81% of youth** who tried e-cigarettes started with a flavored e-cigarette. (*CDC, 2022*)
- Tobacco companies market smokeless tobacco, little cigars and electronic cigarettes in youth-friendly flavors like **cotton candy, gummy bear, cherry and watermelon**. (*CDC, 2022*)



# Current Landscape

## Smoking and Vaping among Youth



**Young people are smoking less (including e-cigs.) One product is on the rise.**



**Eduardo Cuevas**  
USA TODAY



Published 1:29 p.m. ET Oct. 17, 2024 | Updated 2:42 p.m. ET Oct. 20, 2024



**W.H.O. urges ban on flavored vapes**

The World Health Organization has warned that all E-cigarettes should be treated like tobacco and all flavored vapes should be banned. [Cheddar](#)

Home / News / U.S. News® / Teen Smoking and Other Toba...

## Teen Smoking and Other Tobacco Use Drop to Lowest Level in 25 Years, CDC Reports

Teen smoking hit an all-time low in the U.S. this year



By Associated Press | Oct. 17, 2024, at 5:00 p.m.



## Smoking and other tobacco use by teens drop to lowest level in 25 years, CDC reports

[Health](#) Oct 17, 2024 6:05 PM EDT





# Including E-Cigarettes (ESDs) in a Smoke-Free Policy

## A Public Health Solution



# Proposed Ordinance Changes



Ordinance Section	Proposed Change	Proposed Ordinance Language
Section. 36-1. Definitions.	Add Electronic Smoking Device definition from the American Nonsmokers' Rights Foundation which includes the use of any oral smoking device	Electronic Smoking Device (ESD) means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, dab rig or vape pen, or under any other product name or descriptor.
Section. 36-1. Definitions.	Expand definition of Smoking to include ESDs	Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, including marijuana/cannabis, in any manner or in any form. Smoking includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Chapter.
Sec. 36-10. Posting of signs.	Recommend that signage include both the traditional cigarette, and an electronic smoking device enclosed in the standard red circle with a red bar across them either together or separate	"No Smoking" signs or the international "No Smoking" symbols (consisting of a pictorial representations of a burning cigarette and of an electronic smoking device enclosed in a red circle with a red bar across them) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, by the owner, operator, manager, or other person in control of that place.



# Texas Cities with Smoke-Free Policies Including E-Cigarette Language



- **Major Cities:**
  - Dallas (scheduled for vote 11/2024)
  - Houston (adopted in 2022)
  - Austin (adopted in 2017)
  - El Paso (adopted in 2014)
- **Approximately 91 cities throughout the State of Texas have smoke-free policies with E-cigarette language.**



# Local Support to Update Ordinance



American  
Heart  
Association.



American  
Lung  
Association.



San Antonio Council on  
Alcohol & Drug Awareness



San Antonio area



Girls on the Run  
Bexar County

eliminating racism  
empowering women  
**ywca**  
san antonio



# Timeline



Dates	Activity
August (8/22/2024)	City Council Community Health Committee
October (10/31/2024)	City Council A Session
If voted on and passed in October, then implementation timeline:	
Fall (11/2024 – 12/2024)	Education and Marketing Strategy
January (1/1/2025)	Effective Date of Ordinance Vaping of Electronic Smoking Devices (ESDs) or Smoking is not allowed inside buildings within the City of San Antonio

# Education & Marketing Strategy

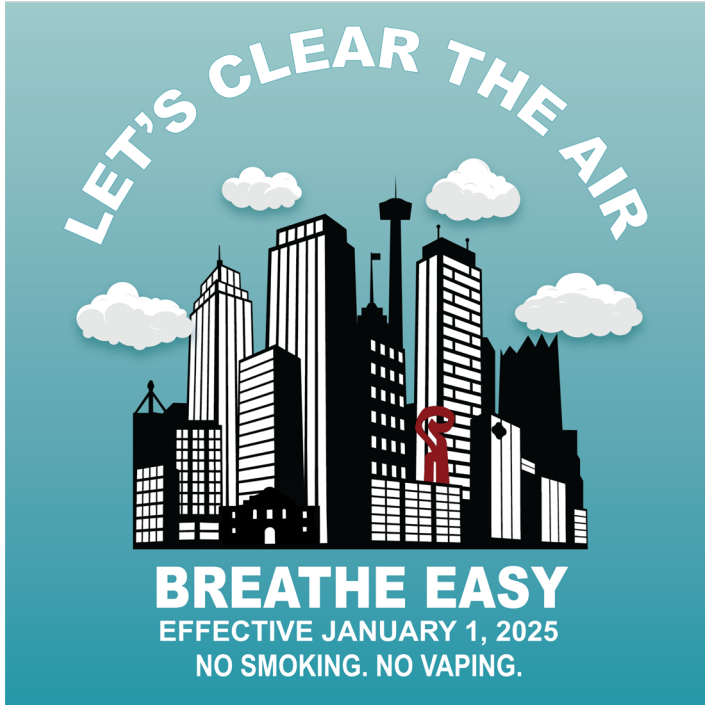


- **Inform the Community:** Educate residents to increase awareness of changes to the ordinance
- **Collaborate with Community Partners:** Provide education to businesses and staff to ensure awareness of new ordinance
- **Promote Compliance:** Provide enforcement through complaint-based system, that focuses on education





# Education Campaign



Upon approval of the ordinance

- Begin promoting the effective date of January 1, 2025
- Establishments will have a six-month grace period to post the updated signage
- Educational material to increase awareness and summarize updates to the ordinance
- Press release
- Website Updates
- Community Outreach and Engagement

# Fiscal Impact

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- Minimal fiscal impact
- No changes in fines or enforcement.

# Recommendation

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Staff recommends City Council approve the proposed changes to Chapter 36 of the City Code, titled Smoking



# Questions?



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