

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:**       **Public Health**

**AGENDA DATE:**       **Introduction: 06/10/14**  
                              **Public Hearing: 06/17/14**

**CONTACT PERSON NAME AND PHONE NUMBER:** **Robert Resendes, 771-5702**

**DISTRICT(S) AFFECTED:**   **All**

**SUBJECT:**

An Ordinance amending Title 9 (Health and Safety), Chapter 9.50 (Public and Workplace Smoking Restrictions) in its entirety relating to all provisions including clarification of definitions; clarification of in which public places smoking is prohibited and where smoking is not regulated; clarification regarding enforcement, violations and penalties; the penalty as provided in Section 9.50.130 of the City of El Paso Code.

**BACKGROUND / DISCUSSION:**

There has been no substantive change to the Public and Workplace Smoking Restrictions ordinance since its adoption by council in January 2002. The revised ordinance reflects current understanding of risk of Environmental Tobacco Smoke (ETS) and the need to mitigate exposure, especially in public recreational venues. The revised ordinance also expands the definition of smoking to include use of e-cigarettes and other alternate delivery devices for the purpose of inhaling smoke or vapor.

**PRIOR COUNCIL ACTION:**

Current ordinance was adopted by City Council in January, 2002. The revised ordinance was reviewed with City Council at a Special Meeting on June 2, 2014. Council requested additional information on e-cigarette regulations/ordinances and smoking restrictions at zoos, convention centers and airports elsewhere in the country

**AMOUNT AND SOURCE OF FUNDING:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.50 (PUBLIC AND WORKPLACE SMOKING RESTRICTIONS) IN ITS ENTIRETY RELATING TO ALL PROVISIONS INCLUDING CLARIFICATION OF DEFINITIONS; CLARIFICATION OF IN WHICH PUBLIC PLACES SMOKING IS PROHIBITED AND WHERE SMOKING IS NOT REGULATED; CLARIFICATION REGARDING ENFORCEMENT, VIOLATIONS AND PENALTIES; THE PENALTY AS PROVIDED IN SECTION 9.50.130 OF THE EL PASO CITY CODE**

**WHEREAS**, on January 2, 2002, the City adopted its currently effective smoking ordinance; and

**WHEREAS**, the City Council continues to recognize that environmental tobacco smoke ("ETS") poses a serious public health hazard, that nonsmokers need protection from ETS, and that municipal regulation of the inhaling, exhaling, vaping and burning of tobacco in indoor and certain outdoor public places and places of employment is imperative in order to protect the public health and welfare of the citizens of the City; and

**WHEREAS**, the City wishes to clarify its smoking ordinance in order to protect the public health and welfare of its citizens.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:**

**Section 1.** That Title 9 (Health and Safety), Chapter 9.50 (Public and Workplace Smoking Restrictions), shall be revised in its entirety to read as follows:

**Article I – General Provisions**

**9.50.010 Purpose.**

The purpose of this chapter is to (1) improve and protect the public's health by eliminating smoking in public places and places of employment, and certain outdoor areas; (2) guarantee the right of nonsmokers to breathe smoke-free air; and, (3) recognize that the need to breathe smoke-free air shall have priority over the choice to smoke.

**9.50.020 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Bar" means an area which is devoted primarily to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food or other products is only incidental to the consumption of such beverages. A "bar" includes those facilities located within a hotel, motel or other similar transient occupancy establishment.

"Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

"E-cigarette" or "e-hookah" means any electronic oral device or nicotine delivery device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, hookah pen or under any other product name or description.

"Employee" means any person who is employed by or engaged under contract by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for an employer as defined in this Section 9.50.020.

"Employer" means any person, partnership, corporation, including a municipal corporation, or nonprofit entity which employs or contracts the services of one or more individual persons or uses the volunteer services of one or more individual persons.

"Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid.

"Food establishment" means food product or food service establishments, as those terms are defined in Chapter 9.12 of the El Paso City Code.

"Health care facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of physicians, chiropractors, physical therapists, psychiatrists, dentists, and all specialties within these professions. This definition shall include, but not be limited to, all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

"Park" means "city park" as set forth in the El Paso City Code Section 13.24.010, as amended, namely, any property in the city that is designated, set aside or operated by the city for public recreational purposes, whether dedicated or developed as a park or not, or that is located in any street right-of-way and is maintained as public open space, including all buildings, recreation facilities, playgrounds, parking lots, driveways, pathways, trails and other areas within a park, to include Scenic Drive. Designation of property as a city park pursuant to this subsection is solely for the purposes of identifying areas governed by this chapter and shall not be construed to be a dedication of any property as a park.

"Place of employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care, adult day care or health care facility or there is an employee other than the occupant of the residence present.

"Playground" means any park or recreational area that is designed in part to be used by children and that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on City property.

"Private club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for monetary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

"Private place" means any enclosed area to which the public is not invited or in which the public is not permitted, including but not limited to, personal residences; private clubs or personal automobiles. A privately-owned business, open to the public, is not a "private place."

"Retail tobacco store and smoking establishment" means a retail store or establishment utilized primarily for the sale and use of tobacco and smoking products and accessories and in which the sale of other products is merely incidental.

"Service line" means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

"Smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, e-cigarette, e-hookah, weed, plant or combustible substance in any manner or in any form, including any device that allows for combustion or conduction of a product for the purpose of inhaling smoke or vapor.

"Sports arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise or activities, participate in athletic competition, or witness sporting events, whether enclosed indoors or outdoors.

## **Article II                      Prohibition of Smoking**

### **9.50.030 Prohibition of smoking in public places.**

A.      Smoking shall be prohibited in all enclosed areas of public places within the city, and within 20 feet of the entrance of such places, including, but not limited to, the following (except for certain outdoor areas specifically designated as smoking areas by city manager or designee for certain city facilities):

1.      Elevators;
2.      Restrooms, lobbies, reception areas, hallways and any other common-use areas;
3.      Buses, semi-enclosed bus stops, bus terminals, taxicabs, shuttle vehicles, train stations, airports (except for certain outdoor areas specifically designated as smoking areas by the El Paso International Airport Director of Aviation) and other facilities and means of public transit under the authority of the city (except for city property to which the city has contractually released a leasehold interest), as well as ticket, boarding, and waiting areas of all transit depots;
4.      Service lines;
5.      Retail stores and shopping malls;
6.      All enclosed areas in all businesses and nonprofit entities;
7.      Food establishments, nightclubs and bars;
8.      Galleries, libraries, museums and zoo facilities and grounds;
9.      Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, except that performers may smoke when the smoking is part of a stage production;
10.     Sports arenas, bowling facilities and convention facilities;
11.     Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the city, to the extent such place is subject to the jurisdiction of the city;
12.     Health care facilities;
13.     Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
14.     Polling places;
15.     Bingo venues;
16.     Child care and adult day care facilities.

### **9.50.040 Prohibition of smoking in places of employment.**

A.      Except as herein provided, smoking shall be prohibited in every place of employment.

B.      It shall be the responsibility of employers to provide a smoke-free workplace for all employees.

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#### **9.50.050 Additional declaration of establishments as non-smoking.**

Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment, facility or outdoor area may declare that the entire establishment, facility or outdoor area is a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 9.50.090 is posted.

#### **9.50.060 Reserved.**

#### **9.50.070 Application of article to certain city-owned facilities.**

Except for those outdoor areas designated as smoking areas by City Manager or designee, and except for those outdoor areas designated as smoking areas at El Paso International Airport facilities by the El Paso International Airport Director of Aviation, all City-owned enclosed areas and City-owned outdoor facilities, not subject to a leasehold interest provided to a non-City person or entity, shall be nonsmoking at all times, including, but not limited to, the following places:

- A. Sports arenas and stadiums.
- B. Parks and playgrounds.
- C. In and within 20 feet from the entrance of all outdoor public transportation stations, platforms and shelters under the authority of the city, except for those outdoor areas designated as smoking areas by the El Paso International Airport Director of Aviation.
- D. Parking lots.

### **Article III. Places Where Smoking Is Not Regulated**

#### **9.50.080 Private and public places.**

A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

- 1. Private residences, except when used as a child care, adult day care or health care facility;
- 2. No more than twenty-five percent of hotel and motel rooms rented to guests;
- 3. Retail tobacco stores and smoking establishments in isolated or contained physical facilities with isolated venting and air controls;
- 4. Outdoor places of employment except those covered in [Section 9.50.070](#);
- 5. Outdoor areas designated as smoking areas by the City Manager or designee for certain city facilities;

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6. In the case of El Paso International Airport facilities, outdoor areas designated as smoking areas by the El Paso International Airport Director of Aviation.

## **Article IV. Signs**

### **9.50.090 Posting of signs.**

A. The owner, manager or other person having control of such building or other area where smoking is prohibited by this chapter shall have a conspicuously posted sign at each entrance clearly stating that smoking is prohibited within the building or other areas where smoking is prohibited.

B. Such "No Smoking" signs shall have bold lettering of not less than one inch in height, or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with bar across it) may be used.

## **Article V. Reserved**

### **9.50.100 Reserved.**

## **Article VI. Enforcement, Violations and Penalties**

### **9.50.110 Enforcement.**

A. Enforcement of this chapter shall be implemented by the City development department, City's department of environmental services, the City's department of public health, and the City's fire and police departments.

B. Any person may register a complaint under this chapter to initiate enforcement with the City's department of public health, the City's department of environmental services and the City's police department.

C. It shall be an affirmative defense to prosecution of an owner, manager or other person having control of an establishment regulated by this chapter if the owner, manager or other person having control of an establishment regulated by this chapter asks a smoker to stop smoking and if the smoker does not cease smoking inside that establishment regulated by this chapter, the owner, manager or other person having control of an establishment regulated by this chapter shall place a no smoking sign on the table and shall contact the departments identified in Subsection 9.50.110A.

### **9.50.120 Nonretaliation.**

No person nor employee shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or customer because such employee, applicant or customer exercises any right to a smoke free environment afforded by this chapter.

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### **9.50.130 Violations and penalties.**

A. It shall be unlawful for an owner, manager or other person having control of an establishment regulated by this chapter to fail to comply with all of its provisions, except for violations noted in Subsection 9.50.130B.

B. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.

C. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

1. Any person who violates any provision of this chapter shall be guilty of an infraction punishable by a fine not exceeding one hundred dollars;
2. Any person who violates any provision of this chapter within one year of receiving a fine under Subsection 9.50.130C.1, shall be guilty of an infraction punishable by a fine not to exceed two hundred dollars;
3. Any person who violates any provision of this chapter within one year of receiving a fine under Subsection 9.50.130C.2, shall be guilty of an infraction punishable by a fine not to exceed five hundred dollars.

### **9.50.140 Other applicable laws.**

This chapter shall not be interpreted nor construed to permit smoking where it is otherwise restricted by other applicable laws.

### **9.50.150 Severability.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of the Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases herein.

**Section 2.** This chapter shall be effective on and after September 1, 2014, with the following exceptions:

- A. The prohibition of smoking in outdoor City facilities pursuant to the requirement of Section 9.50.070, shall take effect on January 1, 2015.
- B. Requirements for isolated venting and air controls in retail tobacco stores and smoking establishments pursuant to the requirements of Section 9.50.080A.3, shall take effect on July 1, 2015.



**Section 3. That except as expressly amended herein Title 9 (Health and Safety) shall remain in full force and effect.**

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Josette Flores  
Assistant City Attorney

\_\_\_\_\_  
Robert Resendes, MBA, MT(ASCP), CLS(RI)  
Director, Department of Public Health

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## U.S. State and Local Laws Regulating Use of Electronic Cigarettes

*As of April 29, 2014*

The following list includes states and municipalities with laws currently in effect that regulate where use of electronic cigarettes (e-cigarettes) is prohibited. E-cigarettes are battery-powered devices that are designed to mimic cigarettes by vaporizing a nicotine-laced liquid that is inhaled by the user. The use of e-cigarettes in workplaces and public places is a significant public health concern, not only because of their unregulated constituents and the potential health impact of the vapor on users and bystanders, but also because e-cigarette use causes public confusion as to where smoking is allowed, resulting in compliance problems with smokefree laws.

Most local and state smokefree laws were enacted before e-cigarettes were on the market, so while such laws do not explicitly mention e-cigarettes, it should not be assumed that their use is permitted. Existing smokefree laws are often interpreted to prohibit e-cigarette use in their smokefree provisions.

NOTE: In the 100% Smokefree Venues column, the following abbreviations are used: W=non-hospitality workplaces; R=restaurants; B=bars; G=gambling facilities.

For more information, please visit [ANR's e-cigarettes page](#).

### State Laws Regulating Use of E-cigarettes

#### State Laws Restricting E-cigarette Use in 100% Smokefree Venues

Other state laws that do not explicitly address e-cigarettes might be interpreted as prohibiting the use of e-cigarettes in existing smokefree provisions.

State	100% Smokefree Venues in Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	Permitted In:
1. North Dakota	WRBG	No	
2. New Jersey	WRB	No	
3. Utah	WRB	Yes	Retailers that sell e-cigarettes, until 7/1/17.

## State Laws Regulating E-cigarette Use in Other Venues

State	Prohibited In:	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
1. Arkansas	Use of e-cigarettes prohibited on school district property.	No	
2. Colorado	Definition of tobacco product for purposes of prohibition of use on school property amended to include e-cigarettes, unless approved by FDA as cessation devices.	No	
3. Delaware	Tobacco use, including use of e-cigarettes and hookahs, prohibited in all State workplaces, including all buildings, facilities, indoor and outdoor spaces and surrounding grounds, as well as parking lots and state vehicles operated on State workplace property.	No	
4. Hawaii	Use of e-cigarettes prohibited on all Dept. of Health property where smoking is prohibited.	No	
5. Kansas	Tobacco use, including use of e-cigarettes, prohibited on all Dept. of Corrections property and grounds, by both employees and inmates. Per opinion of Attorney General, Indoor Clean Air Act of 2010 does not apply to e-cigarettes.	Partial	All places where smoking is prohibited per 3/12/10 law, including workplaces, restaurants, bars, gambling facilities, and public places generally.
6. Maryland	Smoking, including use of e-cigarettes prohibited on MARC commuter rail system trains.	No	
7. New Hampshire	Use of e-cigarettes prohibited in public educational facilities and on grounds thereof.	No	
8. Oklahoma	Tobacco use, including use of e-cigarettes, prohibited in all Dept. of Corrections facilities, including vehicles and grounds.	No	
9. Oregon	State agency employees prohibited from using tobacco products, including e-cigarettes, in State agency buildings and on State agency grounds adjacent to buildings.	No	

State	Prohibited In:	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
10. South Dakota	Tobacco use, including use of e-cigarettes, prohibited in Dept. of Corrections facilities and on grounds thereof, by both employees and inmates.	No	

## Local Laws Regulating Use of E-cigarettes

### Laws Restricting E-cigarette Use in 100% Smokefree Venues

Note: The jurisdiction(s) affected by county-level laws vary widely. Look for a plus symbol (+) next to each county with a law that includes both incorporated and unincorporated areas. A county without a symbol means that the county law covers unincorporated areas only.

State	City/County	100% Smokefree Venues in Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
1. AK	Palmer	WRB	No	
2. AL	Anniston	WRBG	No	
3. AL	Bessemer	WRG	No	
4. AL	Clay	WRBG	No	
5. AL	Creola	WRBG	No	
6. AL	Fultondale	WRBG	No	
7. AL	Midfield	WRBG	No	
8. AL	Monroeville	WRBG	No	
9. AL	Troy	WRBG	No	
10. AL	Vestavia Hills	WRBG	No	
11. AZ	Coconino County	WR	No	
12. CA	Arcata	WRB	No	
13. CA	Campbell	RBG	No	
14. CA	Carlsbad	RBG	No	
15. CA	Contra Costa County	WRBG	No	
16. CA	Eureka	WRBG	No	
17. CA	Fairfax	WRBG	No	
18. CA	Fremont	WRB	No	
19. CA	Long Beach	WRBG	No	
20. CA	Los Angeles	RBG	Partial	Retail e-cigarette stores and theatrical production sites.

State	City/County	100% Smokefree Venues in Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
21. CA	Marin County	WRB	Partial	Individual apartment units in multi-unit residences.
22. CA	Mill Valley	WRB	No	
23. CA	Morgan Hill	WRB	No	
24. CA	Mountain View	WRB	No	
25. CA	Petaluma	W	No	
26. CA	Richmond	WRBG	No	
27. CA	San Bernardino County	W	No	
28. CA	Santa Clara County	WRB	No	
29. CA	Santa Maria	RB	No	
30. CA	Seal Beach	RBG	No	
31. CA	Sebastopol	WRBG	No	
32. CA	Temecula	WRBG	No	
33. CA	Tiburon	WRB	No	
34. CA	Union City	WRB	No	
35. CA	Walnut Creek	RBG	No	
36. CO	Edgewater	WRBG	No	
37. DC	Washington	WRB	No	
38. FL	Clay County	WR	No	
39. FL	Lighthouse Point	WRG	No	
40. FL	Marion County	WRG	No	
41. FL	Orange Park	WRG	No	
42. GA	Chatham County	WRBG	No	
43. GA	DeKalb County	W	No	
44. GA	Savannah	WRBG	No	
45. ID	Ketchum	WRBG	No	
46. IL	Chicago	WRBG	Partial	Theater performances; retail tobacco stores.
47. IN	Indianapolis/Marion County <sup>+</sup> (except the cities of Beech Grove, Lawrence, Southport, and Speedway)	WRB	No	
48. KY	Bardstown	WRBG	No	
49. KY	Glasgow	RBG	No	
50. KY	Kenton County <sup>+</sup>	W	No	

State	City/County	100% Smokefree Venues in Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
51. KY	Madison County <sup>+</sup>	WRBG	No	
52. KY	Manchester	WRBG	No	
53. LA	Monroe	WRBG	No	
54. LA	Ouachita Parish	WRBG	No	
55. LA	West Monroe	WRBG	No	
56. MA	Acton	WRBG	No	
57. MA	Amherst	WRBG	No	
58. MA	Arlington	WRBG	No	
59. MA	Athol	WRBG	No	
60. MA	Auburn	WRBG	No	
61. MA	Barre	WRBG	No	
62. MA	Boston	WRB	No	
63. MA	Bourne	WRB	No	
64. MA	Buckland	WRBG	No	
65. MA	Burlington	WRBG	No	
66. MA	Deerfield	WRBG	No	
67. MA	Dighton	WRBG	No	
68. MA	Dover	RB	No	
69. MA	Dracut	WRBG	No	
70. MA	Easthampton	WRBG	No	
71. MA	Fitchburg	WRBG	No	
72. MA	Foxborough	WRBG	No	
73. MA	Franklin	WRBG	No	
74. MA	Gardner	WRBG	No	
75. MA	Gill	WRBG	No	
76. MA	Grafton	WRBG	No	
77. MA	Great Barrington	WRBG	No	
78. MA	Hatfield	WRBG	Partial	Smoking bars and hotels/motels.
79. MA	Haverhill	WRBG	No	
80. MA	Lee	WRBG	No	
81. MA	Lenox	WRBG	No	
82. MA	Lynn	WRBG	No	
83. MA	Marblehead	WRBG	No	
84. MA	Montague	WRBG	No	
85. MA	Needham	WRB	No	

State	City/County	100% Smokefree Venues in Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
86. MA	New Bedford	WRB	No	
87. MA	North Attleborough	WRBG	No	
88. MA	Northampton	WRB	No	
89. MA	Orleans	WRBG	No	
90. MA	Oxford	WRBG	No	
91. MA	Pittsfield	WRBG	No	
92. MA	Salem	WRBG	No	
93. MA	Saugus	WRBG	No	
94. MA	Sharon	WRBG	No	
95. MA	Shelburne	WRB	No	
96. MA	South Hadley	WRBG	No	
97. MA	Stockbridge	WRBG	No	
98. MA	SUNDERLAND	WRBG	No	
99. MA	Swampscott	WRBG	No	
100. MA	Taunton	WRBG	No	
101. MA	Townsend	WRBG	No	
102. MA	Wendell	WRBG	No	
103. MA	Westminster	WRBG	No	
104. MA	Westport	WRBG	No	
105. MA	Westwood	WRBG	No	
106. MA	Whately	WRBG	No	
107. MA	Winchester	WRBG	No	
108. MN	Duluth	WRBG	No	
109. MN	Eden Prairie	WRBG	No	
110. MN	Ely	WRBG	No	
111. MN	Hermantown	WRB	No	
112. MN	Mankato	WRB	No	
113. MN	Waseca	WRBG	No	
114. MO	Creve Coeur	WRB	No	
115. MO	Jefferson City	WRBG	No	
116. MO	Washington	WRBG	No	
117. MS	Anguilla	WRBG	No	
118. MS	Arcola	WRBG	No	
119. MS	Baldwyn	WRBG	No	
120. MS	Bassfield	WRBG	No	

State	City/County	100% Smokefree Venues in Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
121. MS	Bruce	WRBG	No	
122. MS	Byram	WRBG	No	
123. MS	Calhoun City	WRBG	No	
124. MS	Centreville	WRBG	No	
125. MS	Coahoma County	WRB	No	
126. MS	Duncan	WRBG	No	
127. MS	Durant	WRBG	No	
128. MS	Ethel	WRBG	No	
129. MS	Farmington	WRBG	No	
130. MS	Flowood	WRG	No	
131. MS	Forest	WRBG	No	
132. MS	Friars Point	WRBG	No	
133. MS	Georgetown	WRBG	No	
134. MS	Louisville	WRBG	No	
135. MS	Magee	WRBG	No	
136. MS	Monticello	RBG	No	
137. MS	Moorhead	WRBG	No	
138. MS	New Augusta	WRBG	No	
139. MS	Plantersville	WRBG	No	
140. MS	Prentiss	WRBG	No	
141. MS	Rolling Fork	WRBG	No	
142. MS	Sumner	WRBG	No	
143. MS	Walnut	WRBG	No	
144. MS	Wesson	WRBG	No	
145. MS	Woodville	WRBG	No	
146. ND	Bismarck	WRBG	No	
147. ND	Walhalla	WRBG	No	
148. NM	Santa Fe	WRB	No	
149. NY	Cattaraugus County	RBG	No	
150. NY	New York City	WRB	Partial	Retail e-cigarette stores.
151. NY	Suffolk County <sup>+</sup>	WRB	No	
152. OR	Corvallis	WRB	No	
153. SC	Estill	WRBG	No	
154. SC	Yemassee	WRB	No	
155. TX	Frisco	WRB	No	



State	City/County	100% Smokefree Venues in Which Use of E-cigarettes Prohibited	Use of E-cigarettes Specifically Permitted	If Partial, Permitted In:
156. TX	Lufkin	WRBG	No	
157. TX	San Angelo	WRB	No	
158. TX	San Marcos	WRB	No	
159. TX	Socorro	WRB	No	
160. WA	King County <sup>+</sup>	WRBG	No	
161. WV	Calhoun County <sup>+</sup>	WRBG	No	
162. WV	Greenbrier County <sup>+</sup>	WRBG	No	
163. WV	Lewis County <sup>+</sup>	WRBG	No	
164. WV	Marshall County <sup>+</sup>	W	No	
165. WV	Pleasants County <sup>+</sup>	WRBG	No	
166. WV	Randolph County <sup>+</sup>	WRBG	No	
167. WV	Ritchie County <sup>+</sup>	WRBG	No	
168. WV	Roane County <sup>+</sup>	WRBG	No	
169. WV	Taylor County	WRBG	No	
170. WV	Webster County <sup>+</sup>	WR	No	
171. WV	Wirt County <sup>+</sup>	WRBG	No	
172. WV	Wood County <sup>+</sup>	WRBG	No	

<sup>+</sup>Law pertains to both incorporated and unincorporated areas of county.

#### Laws Currently in Effect

State Laws Restricting E-cigarette Use in 100% Smokefree Venues: 3

State Laws Restricting E-cigarette Use in Other Venues: 10

Local Laws Restricting E-cigarette Use in 100% Smokefree Venues: 172

In addition, 99 local laws restrict E-cigarette Use in Other Venues (not listed above)

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.50 (PUBLIC AND WORKPLACE SMOKING RESTRICTIONS) IN ITS ENTIRETY RELATING TO ALL PROVISIONS INCLUDING CLARIFICATION OF DEFINITIONS; CLARIFICATION OF IN WHICH PUBLIC PLACES SMOKING IS PROHIBITED AND WHERE SMOKING IS NOT REGULATED; CLARIFICATION REGARDING ENFORCEMENT, VIOLATIONS AND PENALTIES; THE PENALTY AS PROVIDED IN SECTION 9.50.130 OF THE EL PASO CITY CODE

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WHEREAS, on January 2, 2002, the City adopted its currently effective smoking ordinance; and

WHEREAS, the City Council continues to recognize that environmental tobacco smoke ("ETS") poses a serious public health hazard, that nonsmokers need protection from ETS, and that municipal regulation of the inhaling, exhaling, vaping and burning of tobacco in indoor and certain outdoor public places and places of employment is imperative in order to protect the public health and welfare of the citizens of the City; and

WHEREAS, the City wishes to clarify its smoking ordinance in order to protect the public health and welfare of its citizens.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:

Section 1. That Title 9 (Health and Safety), Chapter 9.50 (Public and Workplace Smoking Restrictions), shall be revised in its entirety to read as follows:

ARTICLE I – GENERAL PROVISIONS

9.50.010 Purpose.

The purpose of this chapter is to (1) improve and protect the public's health by eliminating smoking in public places and places of employment, and certain outdoor areas; (2) guarantee the right of nonsmokers to breathe smoke-free air; and, (3) recognize that the need to breathe smoke-free air shall have priority over the choice to smoke.

9.50.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Bar" means an area which is devoted primarily to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food or other products is only

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incidental to the consumption of such beverages. A "bar" includes those facilities located within a hotel, motel or other similar transient occupancy establishment.

"Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

"E-cigarette" or "e-hookah" means any electronic oral device or nicotine delivery device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, hookah pen or under any other product name or description.

"Employee" means any person who is employed by or engaged under contract by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity employer as defined in this Section 9.50.020.

"Employer" means any person, partnership, corporation, including a municipal corporation, or nonprofit entity which employs or contracts the services of one or more individual persons or uses the volunteer services of one or more individual persons.

"Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.

"Food establishment" means food product or food service establishments, as those terms are defined in Chapter 9.12 of the El Paso City Code.

"Health care facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of physicians, chiropractors, physical therapists, psychiatrists, dentists, and all specialties within these professions. This definition shall include, but not be limited to, all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

"Park" means "city park" as set forth in the El Paso City Code Section 13.24.010, as amended, namely, any property in the city that is designated, set aside or operated by the city for public recreational purposes, whether dedicated or developed as a park or not, or that is located in any street right-of-way and is maintained as public open space, including all buildings, recreation facilities, playgrounds, parking lots, driveways, pathways, trails and other areas within a park, to include Scenic Drive. Designation of property as a city park pursuant to this subsection is solely

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for the purposes of identifying areas governed by this chapter and shall not be construed to be a dedication of any property as a park.

"Place of employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care, adult day care or health care facility or there is an employee other than the occupant of the residence present.

"Playground" means any park or recreational area that is designed in part to be used by children and that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on City property.

"Private club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for monetary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

"Private place" means any enclosed area to which the public is not invited or in which the public is not permitted, including but not limited to, personal residences; private ~~social~~ clubs or personal automobiles. A privately-owned business, open to the public, is not a "private place."

~~"Public place" means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks; educational facilities; health facilities; laundromats; public transportation facilities; reception areas; production and marketing establishments; retail service establishments; retail stores; theaters and waiting rooms. A private residence is not a "public place."~~

"Retail tobacco ~~store and smoking establishment~~~~store~~" means a retail store or establishment utilized primarily for the sale and use of tobacco and smoking products and accessories and in which the sale of other products is merely incidental.

"Service line" means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

"Smoking" means inhaling, exhaling, burning or carrying any ~~lighted~~lighted or heated cigar, cigarette, pipe, e-cigarette, e-hookah, weed, plant or combustible substance in any manner or in any form, including any device that allows for combustion or conduction of a product for the purpose of inhaling smoke or vapor.

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"Sports arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise or activities, participate in athletic competition, or witness sporting events, whether enclosed indoors or outdoors.

## **ARTICLE II Prohibition of Smoking**

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### **9.50.030 Prohibition of smoking in public places.**

A. Smoking shall be prohibited in all enclosed areas of public places within the city, and within 20 feet of the entrance of such places, including, but not limited to, the following places(except for certain outdoor areas specifically designated as smoking areas by city manager or designee for certain city facilities):

1. Elevators;
2. Restrooms, lobbies, reception areas, hallways and any other common-use areas;
3. Buses, semi-enclosed bus stops, bus terminals, taxicabs, shuttle vehicles, train stations, airports (except for certain outdoor areas specifically designated as smoking areas by the El Paso International Airport Director/International Airport Director of Aviation) and other facilities and means of public transit under the authority of the city (except for city property to which the city has contractually released a leasehold interest), as well as ticket, boarding, and waiting areas of all public transit depots;
4. Service lines;
5. Retail stores and shopping malls;
6. All enclosed areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including but not limited to, attorneys' offices and other offices, banks, laundromats, hotels and motels;
7. Food establishments, nightclubs and bars;
8. Galleries, libraries, museums and zoo facilities and grounds;
9. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, except that performers may smoke when the smoking is part of a stage production;
10. Sports arenas, bowling facilities and convention facilities halls, including bowling facilities;
11. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
12. Waiting rooms, hallways, wards and semiprivate rooms of health care facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices;

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13. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
14. Polling places;
15. Bingo ~~venue~~ games;
16. Child care and adult day care facilities.

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#### 9.50.040 Prohibition of smoking in places of employment.

A. Except as herein provided, smoking shall be prohibited in every place of employment.

B. It shall be the responsibility of employers to provide a smoke-free workplace for all employees.

~~B. Each employer having any enclosed place of employment located within the city shall adopt, implement, make known and maintain a written smoking policy, which shall contain the following requirements:~~

~~Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.~~

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~~C. The smoking policy shall be communicated to all employees within four weeks of its adoption.~~

~~D. All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.~~

#### 9.50.050 Additional declaration ~~of of nonsmoking~~ establishments as non-smoking.

Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment, facility or outdoor area described in this section may declare that the entire establishment, facility or outdoor area is as a nonsmoking place establishment. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 9.50.090 is posted.

#### 9.50.060 Reserved.

#### 9.50.070 Application of article to certain city-owned facilities.

Except for those outdoor areas designated as smoking areas by City Manager or designee, and except for those outdoor areas designated as smoking areas at El Paso International Airport

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facilities, by the El Paso ~~International Airport Director~~ International Airport Director of Aviation, ~~a~~ All enclosed City-owned enclosed areas and City-owned outdoor facilities, not subject to a leasehold interest provided to a non-City person or entity, ~~owned by the city~~ shall be nonsmoking at all times ~~notwithstanding other provisions of this chapter, including, but not limited to, the following places:~~

~~A. Sports arenas and stadiums.~~

~~B. Parks and playgrounds.~~

~~C. In and within 20 feet from the entrance of all outdoor public transportation stations, platforms and shelters under the authority of the city, except for those outdoor areas designated as smoking areas by the El Paso ~~International Airport Director~~ International Airport Director of Aviation.~~

~~D. Parking lots.~~

### Article III. Places where smoking is not regulated.

#### **9.50.080 Private and public places.**

A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

1. Private residences, except when used as a child care, adult day care or health care facility;
2. No more than twenty-five percent of hotel and motel rooms rented to guests;
3. Retail tobacco stores ~~and smoking establishments~~ in ~~isolated or contained stand alone~~ physical facilities ~~with isolated venting and air controls~~;
4. ~~Restaurants, hotel and motel conference or meeting rooms and public and private assembly rooms while places are being used for private functions except while contracted food or beverage service functions are taking place (including set up, service and cleanup activities or when the room is used for exhibit activities);~~
5. ~~Outdoor places of employment except those covered in Section 9.50.0750;~~
5. ~~Outdoor areas designated as smoking areas by the City Manager or designee for certain city facilities;~~
6. ~~In the case of El Paso International Airport facilities, outdoor areas designated as smoking areas by the ~~of the~~ El Paso International Airport Director of Aviation.~~

### Article IV. Signs

#### **9.50.090 Posting of signs.**

A. The owner, manager or other person having control of such building or other area where smoking is prohibited by this chapter shall have a conspicuously posted sign at each entrance

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clearly stating that smoking is prohibited ~~at each entrance and~~ within the building or other areas where smoking is prohibited.

B. Such "No Smoking" signs shall have bold lettering of not less than one inch in height, or, ~~The international "No Smoking" symbol may also be used~~ (consisting of a pictorial representation of a burning cigarette enclosed in a ~~red~~ circle with ~~red~~ bar across it) may be used.

~~C. All ashtrays and other smoking paraphernalia shall be limited in facilities to that required for the enforcement of extinguishing of smoking materials in public places.~~

Article V. Reserved.

**9.50.100 Reserved. Department of environmental services program.**

~~The department of environmental services shall promote the purposes and requirements of this chapter to the public affected by it, and to guide owners, operators and managers in their compliance with it. Such promotion may include publication of a brochure for affected businesses and individuals explaining the provisions of this chapter.~~

Article VI. Enforcement, violations and penalties

**9.50.110 Enforcement.**

A. Enforcement of this chapter shall be implemented by the City Development Department, ~~City's dDepartment of environmental-Environmental servicesServices department~~, the City's dDepartment of public-Public healthHealth department, and the City's fire-Fire and police-Police departmentsDepartments.

~~B. Notice of the provisions set forth in this chapter shall be given to all applicants for a business license in the city.~~

~~C. Any person may register a complaint under this chapter to initiate enforcement with the City's department of public health, the City's department of environmental services department and the City's police department.~~

~~D. The departments identified in subsection A shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance of this chapter.~~

~~E. Any owner, manager, operator or employee of any establishment regulated by this chapter shall be responsible for informing persons violating this chapter of the provisions through appropriate signage.~~

~~CF. Notwithstanding any other provision of this chapter, a private citizen may bring legal action to enforce this chapter. It shall be an affirmative defense to prosecution of an owner, manager or other person having control of an establishment regulated by this chapter if the~~

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owner, manager or other person having control of an establishment regulated by this chapter asks a smoker to stop smoking and if the smoker does not cease smoking inside that establishment regulated by this chapter, the owner, manager or other person having control of an establishment regulated by this chapter shall place a no smoking sign on the table and shall contact the departments identified in Subsection 9.50.110A.

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#### **9.50.120 Nonretaliation.**

No person nor employee shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or customer because such employee, applicant or customer exercises any right to a smoke free environment afforded by this chapter.

#### **9.50.130 Violations and penalties.**

A. It shall be unlawful for any ~~person who owns, manages, operates~~ or other ~~person having~~ wise controls ~~the use of of any establishment premises subject to regulation by under~~ this chapter to fail to comply with all of its provisions, except for violations noted in Subsection 9.50.130B of this section.

B. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.

C. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

1. Any person who violates any provision of this chapter shall be guilty of an infraction punishable by a fine not exceeding one hundred dollars ~~for the first violation;~~
2. Any person who violates any provision of this chapter within one year of receiving a fine under Subsection 9.50.130C.1, shall be guilty of an infraction punishable by a fine not to ~~exceeding~~ two hundred dollars ~~for a second violation within a one year period of the first violation;~~
3. Any person who violates any provision of this chapter within one year of receiving a fine under Subsection 9.50.130C.2, shall be guilty of an infraction punishable by a fine not to ~~exceeding~~ five hundred dollars ~~for an additional violation within a one year period of the first violation.~~

#### **9.50.140 Other applicable laws.**

This chapter shall not be interpreted nor construed to permit smoking where it is otherwise restricted by other applicable laws.

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**9.50.150 Severability.**

~~It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of the Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases herein. If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.~~

**9.50.160 Effective date.**

This chapter shall be effective on and after January 2, 2002.

**Section 2. That except as expressly amended herein Title 9 (Health and Safety) shall remain in full force and effect.**

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Josette Flores  
Assistant City Attorney

\_\_\_\_\_  
Robert Resendes, MBA, MT(ASCP), CLS(RI)  
Director, Department of Public Health

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# City of El Paso Proposed Smoke Free Ordinance Changes

Title 9 (Health and Safety)  
Formally Ordinance No. 014878  
(Smoking in Public Places)  
9.50.130 of the El Paso City Code

# Letters of Support

- Susan G. Koman for the Cure
- Austin/Travis County Health and Human Services Department
- Texas Tech University Health Sciences Center
- Alpha Youth Leadership Academy (HACEP)
- YMCA
- Sunset Heights Neighborhood Improvement Association
- Rio Grande Cancer Foundation
- UT Health Science Center at Houston
- University Medical Center
- Northeast Substance Abuse Collaborative
- Creative Kids
- El Paso Diabetes Association
- El Paso County Medical Society
- Americans for Nonsmokers' Rights
- Housing Authority of El Paso
- Wyndam El Paso Airport Hotel

# Four Main Changes

1. That smoking be banned on all City owned or City leased properties, including parks with some, delineated exceptions (January 1, 2015)
2. Establish a 20 foot no-smoking zone at all public entrances (September 1, 2014)
3. Establishes air handling requirements for hookah lounges and smoke shops (July 1, 2015)
4. Includes e-cigarettes and “vaping” as part of the smoking definition (September 1, 2014)

# Zoo & Convention Center

## “Best Practices”

- Limited available data
- City Manager to authorize all exceptions on a case-by-case basis

# **Airports - Are e-Cigs allowed in the terminal?**

Austin	NO
Denver	NO
Detroit	NO
DFW	NO
Omaha	NO
Philly	NO
St. Louis	NO

# **Airports - Are e-Cigs treated like regular cigarettes?**

Austin	YES
Denver	YES
Detroit	YES
DFW	YES
Omaha	YES
Philly	YES
St. Louis	YES



# **Airports - Is smoking allowed in designated outdoor areas?**

Austin	YES
Denver	YES
Detroit	YES
DFW	YES
Omaha	YES
Philly	YES
St. Louis	YES



# Bans on Public Use of e-Cigarettes

- New York City
- Los Angeles
- Chicago
- Socorro

# American Journal of Public Health

*“ENDS [Electronic Nicotine Delivery Systems] should be removed from the market and permitted back only if and when it has been demonstrated that they are safe...”*

*-Nathan K. Cobb MD*

*-M. Justin Byron, MHS*

*-David B. Abrams, PhD*

*-Peter G. Shields, MD*

# Agency for Toxic Substances & Disease Registry - CDC

*“We have little information about what happens to propylene glycol in the air.”*

ATSDR website. Public Health Statement for Propylene Glycol.  
<http://www.atsdr.cdc.gov/phs/phs.asp?id=1120&tid=240>

Downloaded June 8, 2014

# Scientific American

*“Without regulations, it is the ‘Wild West’ for e-cigarette companies... given the paucity of health data, current indoor smoking bans should apply to e-cigs as well.”*

*-Stanton Glantz, PhD, Director for the Center for Tobacco Control Research and Education*

*Smoke Screen: Are E-Cigarettes Safe?, Dina Maron, Scientific American, May 1, 2014*

# World Health Organization

*“Until such time as a given ENDS is deemed safe and effective and of acceptable quality by a competent national regulatory body, consumers should be strongly advised not to use any of these products, including electronic cigarettes.”*

*-WHO statement issued July 9, 2013*

# The New England Journal of Medicine

*“Pending more aggressive regulation, clinicians should advise patients wishing to use nicotine to stick to the FDA-regulated forms, such as patches, gum, lozenges, nasal spray – or even, perhaps, the existing FDA-approved inhaler.”*

-Nathan K. Cobb MD

-David B. Abrams, PhD



# US National Library of Medicine, National Institutes of Health, National Center for Biotechnology Information

*“Although data are limited, it is clear that e-cigarette emissions are not merely ‘harmless water vapor,’ as is frequently claimed, and can be a source of indoor air pollution. Smoke-free policies protect nonsmokers from exposure to toxins and encourage smoking cessation. One hundred percent smoke-free policies have larger effects on consumption and smoking prevalence, as well as hospital admissions for myocardial infarction, stroke, and other cardiovascular and pulmonary emergencies, than weaker policies.”*

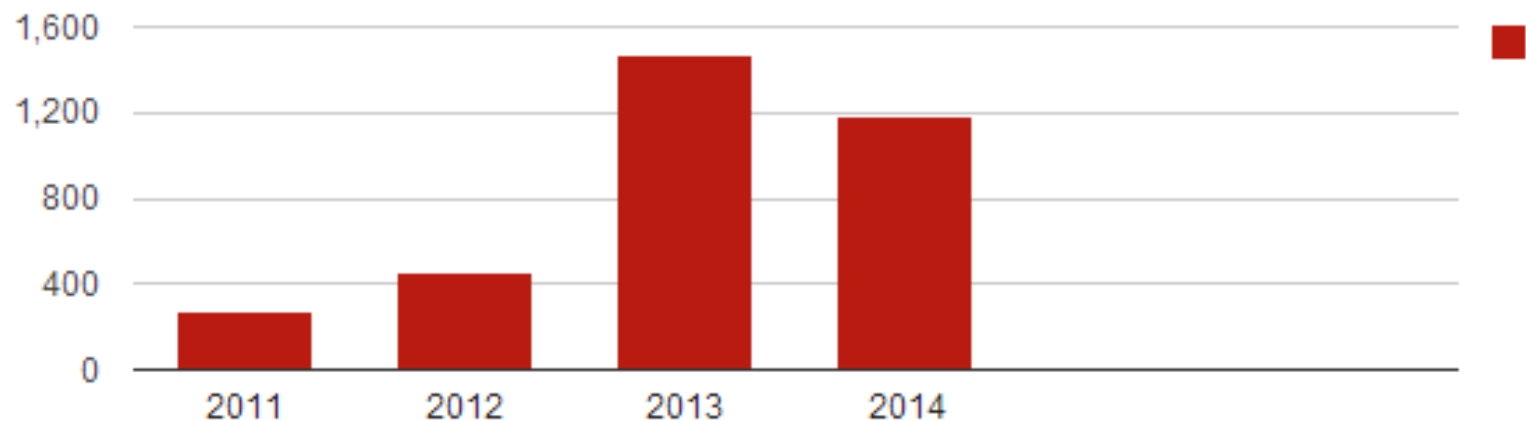
-Rachel Grana, PhD, MPH, Neal Benowitz, MD and Stanton A. Glantz, PhD

-E-Cigarettes – A Scientific Review. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4018182/> Downloaded June 6, 2014

# American Association of Poison Control Centers

***Through April 30, 2014, AAPCC has received 1,190 e-cigarette devices and liquid nicotine reported exposures.***

E-cigarette Device and Liquid Nicotine Reported Exposures to Poison Centers



- Acute Bronchitis
- Asthma
- Chronic Bronchitis
- COPD
- Cystic Fibrosis
- Emphysema
- Influenza
- Lung Cancer
- Pertussis
- Pneumonia
- Primary Pulmonary Hypertension
- Pulmonary Vascular Disease
- Respiratory Syncytial Virus



# Cystic Fibrosis...

