

## **RESOLUTION NO.**

**WHEREAS**, laboratory tests conducted by the U.S. Food and Drug Administration ("FDA") have shown that electronic cigarette (e-cigarette) vapors contain carcinogens, including nitrosamines and varying levels of nicotine; and e-cigarette vapors were found to contain toxic chemicals such as diethylene glycol, a common ingredient in antifreeze; and

**WHEREAS**, the FDA recently finalized a rule extending its regulatory authority to all tobacco products, including e-cigarettes, as part of its goal to improve public health; and

**WHEREAS**, the Texas Legislature currently prohibits the possession, purchase, consumption or receipt of e-cigarettes or tobacco products by minors, and the City enforces such regulations; and

**WHEREAS**, protecting the citizens of Austin against an untested nicotine product, such as e-cigarettes, and liquid nicotine, represents sound public health and fiscal policy; and

**WHEREAS**, currently, ten states, and hundreds of communities, including Boston, Los Angeles, Chicago, New York City, and Waco, have prohibited e-cigarette use in the same places where smoking is already prohibited; and

**WHEREAS**, inclusion of e-cigarettes in Chapter 10-6 of the City Code (Smoking in Public Places) would reduce the public's confusion related to the enforcement of Chapter 10-6; and

**WHEREAS**, to promote the public health, safety, and welfare of Austin’s citizens, it is in the best interest of Austin and its citizens to amend the City Code to consistently address electronic smoking devices; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Manager is directed to draft code amendments for Council consideration that:

1. add electronic smoking devices to existing City Code prohibitions against the sale, delivery, and use of cigarettes and tobacco products; and
2. clarify definitions for “smoking” and “electronic smoking devices.”

**BE IT FURTHER RESOLVED:**

The City Manager is directed to present an ordinance for Council consideration within 90 days from the adoption of this resolution.

**ADOPTED:** \_\_\_\_\_, 2017

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk