



Legislation Text

File #: 19-1630, **Version:** 1

STRATEGIC PRIORITY: Public Safety
AGENDA DATE: October 23, 2019
COUNCIL DISTRICT(S): All
DEPARTMENT: Police Department
EXECUTIVE: Jon Fortune

SUBJECT

An ordinance amending Chapter 41, "Smoking," of the Dallas City Code by amending Section 41-1, 41-11, and 41-12 to **(1)** raise the legal age for the distribution, possession, purchase, consumption, and receipt of cigarettes, and tobacco products from 18 to 21 in accordance with state law; and **(2)** provide a penalty not to exceed \$200.00 - Financing: No cost consideration to the City

BACKGROUND

The proposed ordinance amends Chapter 41 of the Dallas City Code to comply with changes to the Texas Health and Safety Code made by the 86th Texas Legislature. Senate Bill 21, passed by the Texas Legislature and signed by Governor Abbott, raises the minimum age requirements to 21 years of age for buying, attempting to buy, possessing, consuming, or accepting cigarettes, or tobacco products in Texas. The law also creates an exception for a person 18 years of age with a valid United States military or state military identification.

It is a defense to prosecution under Chapter 41 if the products were obtained from a tobacco-product vending machine and the vending machine was: (1) situated in a premises where entry by a minor is prohibited by law; (2) situated in a hotel, motel, bar or restaurant bar; (3) located in a workplace with the permission of the employer; provided that: (A) the employer usually has no person under 21 years of age employed at the workplace; and (B) the tobacco-product vending machine is situated at a location within the workplace to which no person other than an employee of the workplace is usually permitted to have access; or (4) located in an eating establishment and equipped with a lock-out device that was installed, maintained, and operated in compliance with Section 41-12. The penalty for violation of the ordinance, upon conviction, is punishable by a fine not to exceed \$200.00.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 10, 2008, City Council authorized an ordinance amending Chapter 41 of the Dallas City Code revising the smoking ordinance by Resolution No. 08-3422.

FISCAL INFORMATION

No cost consideration to the City.