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

Council finds that amendments to Chapters 10-4 (*Minors Access to Tobacco*) and 10-11 (*Electronic Smoking Devices*) of Title 10 (*Public Health Services and Sanitation*) of the City Code are necessary to ensure consistency with Senate Bill 21, adopted during the 86<sup>th</sup> Regular Session of the Texas Legislature, relating to the lawful age for the sale or delivery of cigarettes, tobacco products, or electronic smoking devices.

(1) MINOR means a person under ~~[18]~~ 21 years of age.

(B) To comply with this section, proof of identification must:

(i) be issued by the Texas Department of Public Safety, or another governmental agency, and establish that the individual is 21 years of age or older; or

**PART 4.** A new Subsection (C) of City Code Section 10-4-11 (*Sale or Delivery to Minor Prohibited*) is added to read as follows:

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**PART 5.** The definition of “minor” in City Code Section 10-11-1 (*Definitions*) is amended to read as follows:

(1) MINOR means a person under ~~[18]~~ 21 years of age.

**PART 6.** Subsection (B) of City Code Section 10-11-4 (*Sale or Delivery to Minor Prohibited*) is repealed and replaced to read as follows:

(B) To comply with this section, proof of identification must:

- (1) contain a photograph or physical description consistent with the appearance of the individual presenting the proof; and either
  - (i) be issued by the Texas Department of Public Safety or another governmental agency and establish that the individual is 21 years of age or older; or
  - (ii) be issued by the United States military forces or the state military forces and establish the individual is 18 years of age or older.

**PART 7.** A new Subsection (C) is added to City Code Chapter 10-11-4 (*Sale or Delivery to Minor Prohibited*) to read as follows:

(C) Until September 1, 2022, a person may sell or deliver a cigarette or tobacco product to an individual who presents proof of identification that the individual is born on or before August 31, 2001.

**PART 8.** Part 4 and Part 7 of this ordinance expire on September 2, 2022.

**PART 9.** This ordinance takes effect on \_\_\_\_\_, 2020.

**PASSED AND APPROVED**

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\_\_\_\_\_, 2020

\_\_\_\_\_  
Steve Adler  
Mayor

APPROVED: \_\_\_\_\_

Anne L. Morgan  
City Attorney

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

Jannette S. Goodall  
City Clerk