ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 10-4 AND 10-11 RELATING TO THE SALE OR DELIVERY OF CIGARETTES, TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES TO MINORS.

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

PART 1. Findings

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 86th Regular Session of the Texas Legislature, relating to the lawful age for the sale or delivery of cigarettes, tobacco products, or electronic smoking devices.

PART 2. The definition of “minor” in City Code Section 10-4-1 (Definitions) is amended to read as follows:

(1) MINOR means a person under 18 years of age.

PART 3. Subsection (B) of City Code Section 10-4-11 (Sale or Delivery to Minor Prohibited) is repealed and replaced to read as follows: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 4. A new Subsection (C) of City Code Section 10-4-11 (Sale or Delivery to Minor Prohibited) is added 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 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 [48] 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 Subsection (B) of City Code Section 10-11-4 (Sale or Delivery to Minor Prohibited) is repealed and replaced to read as follows: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

___________________________, 2020

Steve Adler
Mayor

APPROVED: _____________________ ATTEST: _____________________

Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk