# OCA 14-03: Clarify Inclusion of Electronic Cigarettes in Smoking Regulations; Expand Smoking Regulations to Prohibit Smoking near Doorways and Outdoor Areas of Retail and Commercial Businesses

# Lead Department: OCA

Sponsor(s) Griffith, Hendricks

History 1 year ago: 2 years ago:

#### 1. Scope of the Study

a. What are the key elements of the study?

Mayor Griffith raised the issue of whether electronic cigarettes, commonly referred to as ecigarettes, are included in the City's current smoking regulations, and, if not, whether the regulations should be amended to include e-cigarettes. Councilmember Hendricks expressed concern about businesses located in close proximity to each other, such as in strip shopping centers, where people smoke close to entrances and exits causing smoke to waft into businesses. This study issue would review the City's current regulations and identify amendments that would address the concern. The City's smoking regulations were recently reviewed and updated in March 2012 (RTC-12-072), when the City took action to prohibit smoking in City parks, excepting golf courses. At that time, staff also recommended amending the existing ordinance, which requires restaurants with outdoor dining to reserve at least sixty percent of the area for nonsmokers, to completely ban smoking in outdoor dining areas. The Council did not approve a complete ban.

b. What precipitated this study?

Some members of the business community have complained about smoke from customers of neighboring businesses wafting over into their businesses, requiring them to either close their doors or endure the smoke odor and impacts.

c. Is this a multiple year project? No Planned Completion Year 2014

# 2. Fiscal Impact

- a. Cost to Conduct Study
  - i. Level of staff effort required (opportunity cost)
  - ii. Amount of funding above current budget required \$
  - iii. Explanation of Cost:

# b. Costs to Implement Study Results

- $\boxtimes$  No cost to implement.
  - Unknown. Study would include assessment of potential costs.
- Some cost to implement. Explanation:

#### 3. Expected participation in the process

Council-approved work plan Council Study Session Board/Commission Review by

#### 4. Staff Recommendation

a. Position: Support

b. Explanation:

Minimal effort would be required on staff's part to provide related study materials for Council's consideration. Revisiting RTC 12-072 with minor additions should be sufficient for Council to determine its preferred policy direction governing e-cigarettes and whether to expand smoking regulations for outdoor areas adjacent to commercial and retail businesses. Adopting this as a study issue would promote community awareness and input regarding the issue prior to Council action.

**Reviewed By:** Approved By: 1/21/14 -21-14 **Department Director** Date Date Manager