

# **Update on E-Cigarette Retail Resolution No. 20250522-054**

**Public Health Committee  
April 1, 2026**

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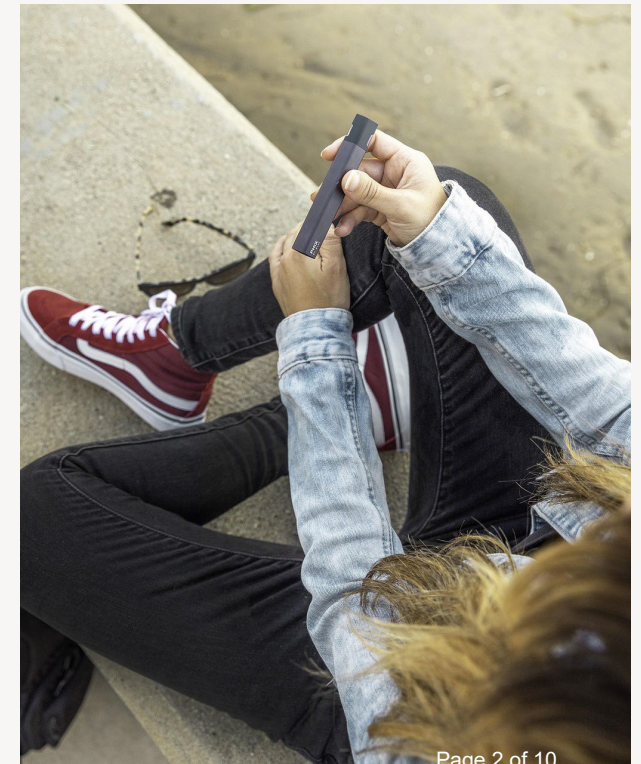
**Austin Public Health**

# Overview of Resolution

Council resolution 20250522-054 directed staff to explore options to regulate the sale of **synthetic nicotine products** and **e-cigarettes** of any kind so that none of these products may be sold within 1,000 feet of a public school, private school, or daycare.

Key directives:

1. Identify affected businesses
2. Conduct stakeholder engagement
3. Provide a memo summarizing feedback





# Summary of Research Phase

- Formation of a multi-department workgroup
- Review of existing public health literature
- Mapping of tobacco retail landscape in City of Austin
- Review of 13 ordinances related to regulation of e-cigarette retailers in Texas municipalities
- Review of policies in California (28 municipalities have restricted sale of these products near schools in all retail environments)
- Stakeholder meetings with four (4) public health organizations and the City of San Antonio
- Consultation with Public Health Law Center
- Discussion with Texas Comptroller of Public Accounts

# Stakeholder Engagement

## Tobacco Retailers

- 525 emails sent to convenience stores / grocery stores
- 81 letters mailed to vape/smoke shops
- Outreach calls to 12 vape/smoke shops
- 2 virtual community engagement forums held (5 attendees)
- 2 stakeholder interviews with vape shops
- Email address provided for feedback

## Schools/Childcare Centers/Youth serving organizations

- 6 stakeholder interviews

# Stakeholder Engagement Findings

## Daycares, schools and youth serving organizations feedback:

- See benefit of limiting retailers near schools and daycares through reduced access to e-cigarette & tobacco products and reduced exposure to marketing
- Concern that grandfathering of existing retailers would reduce efficacy

## Retail/convenience store feedback:

- Concern that ordinance could have negative business impact by reducing market competition (fewer locations to expand, existing retailers have less competition)
- Concern that inclusion of all tobacco products goes beyond direction of the resolution
- Concern that 1,000 feet is too large of a buffer
- Concern that grocery stores should not be exempt



# Key Findings from Research Phase

- Preemption on tobacco retail licensing
- No mechanism to limit issuing of e-cigarette or tobacco retail permits within the 1,000-foot buffer zone
- Majority of ordinances grandfather existing retailers
- Need to update Austin Code Chapter 10 to expand tobacco product definition
- Recommend zoning ordinance
- Recommendation to include e-cigarettes and all tobacco products.

# Proposed Ordinance Change: Zoning

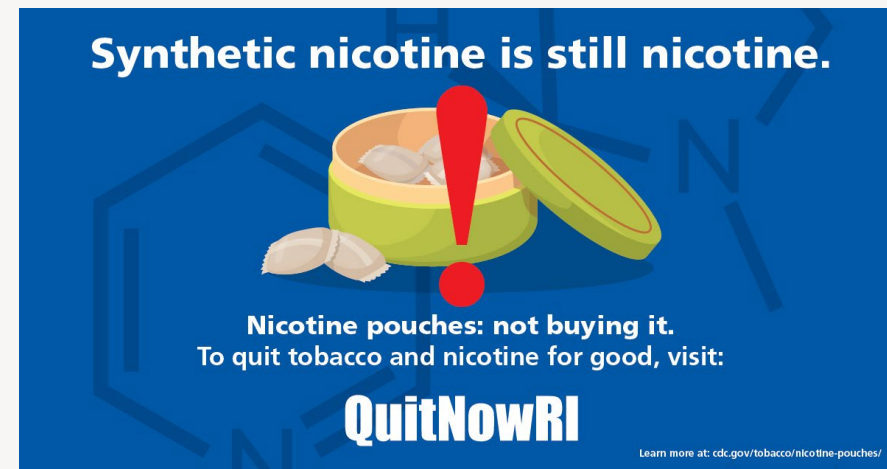
- Update 25-2-4 Commercial Uses Described
- Create a new land use which will restrict location of **NEW** tobacco or e-cigarette retailers within 1,000 feet of schools and childcare centers
- Who would be affected?
  - **NEW** retailers
- Who would **NOT** be affected?
  - Large grocery retailers with impact zoning and general retail use that are over 12,000 square feet.



Source: Counter Tools, ASPIRE and Campaign for Tobacco Free Kids

# Proposed Ordinance Change: Public Health

- Update definitions in Chapters **10-4** (Minors' Access to Tobacco) and **10-11** (Electronic Smoking Devices)
  - Include synthetic nicotine products and nicotine analogs in the definition of tobacco products and e-cigarettes
  - Explicitly state that FDA approved tobacco cessation devices are not considered tobacco products



# Project Timeline

Research  
Phase

June-October 2025

Stakeholder  
Engagement

November-  
December 2025

Planning  
Commission  
and Council  
Hearings

Spring 2026 or Fall 2026

City Council  
Approved  
Resolution

May 2025

City Council  
Public Hearing

Spring 2026 or Fall 2026

# Thank you

## Staff Contacts

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