

El Paso City Council passes ban on e-cigarettes

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Daryl Cura demonstrates an e-cigarette at Vape store in Chicago, Wednesday, April 23, 2014. (AP Photo/Nam Y. Huh) (Nam Y. Huh)

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The use of electronic cigarettes in public places across El Paso where smoking is now banned will be prohibited starting Sept. 1, and both smoking and vaping will be banned from all city-owned properties such as parks starting in 2015.

That comes after the City Council on Tuesday approved changes to its ordinance regulating smoking in public and workplaces. The approved changes also will ban smoking and vaping within 20 feet of all public entrances, except for the El Paso International Airport, starting Sept. 1.

REPORTER



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City Rep. Eddie Holguin voted against the changes, while city Rep. Emma Acosta was absent. The other six representatives voted in favor of the ordinance changes.

E-cigarettes are battery-operated devices that heat a flavored liquid which generally contains nicotine. The devices often look like cigarettes or pens and release a vapor that is inhaled by the users known as vapers.

Supporters of the ordinance change argue that the e-cigarettes are unhealthy and the secondhand vapor is unwelcomed even if the devices are healthier than cigarettes.

"Let's set limits that protect shared public spaces," said Perla Retana, who has a 10-month-old son and says she doesn't want to be exposed to smoking or vaping at city parks or other public places. "I worry that he'll find cigarettes or parts of an e-cigarette and that it could be deadly. They're toxic."

City Rep. Michiel Noe, a doctor, acknowledged that e-cigarettes are safer than smoking, but said that doesn't mean they don't pose a danger.

"They're not known to be safe, just safer than cigarettes, which are known to be killers," Noe said. "That's not a good alternative."

Opponents argue that the e-cigarettes have not been proven to be unhealthy and that the ordinance infringes on their rights. Many who use the devices are former smokers who don't want to be lumped into smoking areas alongside those who use cigarettes.

A group of vapers presented a petition they said has 1,500 signatures opposing the addition of vaping as part of the smoking definition.

"An electronic cigarette is a personal choice," said David Maldinar, 32, who said he had been a smoker for 16 years. "If (others) don't want to be around it, they can leave."

Jose Luis Molina, 33, said he's been able to better control his blood pressure and diabetes since he started vaping two years ago after 20 years of smoking.

"It's a healthy alternative," Molina said. He added that his daughter, who wouldn't get near him when he smoked, is now a lot more comfortable with his vaping instead.

Robert Resendes, the city's director of public health, said the changes were not intended to ban vaping altogether, but to prohibit it in public places.

"This is to protect the public from fumes, vapor and whatever chemicals are in there," Resendes said.

Under the revised ordinance, e-cigarettes will be allowed in private homes, in designated areas within the airport, and in cigarette and hookah lounges. Hotels and motels also can allow vaping in up to 25 percent of rooms rented to guests.

Smoking and e-cigarettes will be prohibited in stores and malls, businesses, restaurants, nightclubs, bars, libraries, museums, the zoo, movie theaters, bowling alleys, sports arenas, schools and hospitals, among other places.

The changes allow the city manager to consider exceptions, such as at the Judson F. Williams Convention Center during the upcoming U.S. Bowling Congress men's Open Championships in 2015.

Southwest University Park already bans smoking and e-cigarettes, Resendes said.

Under the ordinance, violators face a \$100 fine for the first offense, \$200 for the second, and up to \$500 for the third and more.

The changes also will require hookah and smoke shops to have isolated venting and air controls starting July 1, 2015.

The city's first smoking ordinance was implemented in January 2002 and prohibits smoking in public places such as restaurants, bars, nightclubs, libraries, schools and businesses.

E-cigarettes are not yet regulated, although the Food and Drug Administration is considering regulating them as either tobacco or anti-smoking aids. Los Angeles and New York, the city of Socorro and some 200 other cities nationwide have banned e-cigarettes in public places, and numerous others across the nation are considering similar bans.

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