



# Tobacco Turf Wars

*Texas cities taking a stand  
in 'No Smoking' crusade*

**T**he hotly debated smoking controversy has heated up in all quarters of the state.

Now local governments are jumping into the fray by regulating smoking in public. More than 100 cities across Texas have passed or strengthened ordinances that limit smoking areas. Arlington was the first to move in that direction in 1985 and now has one of the toughest ordinances in the state.

The where-and-when-to-smoke dilemma has placed city councils in the middle of an issue that is argued passionately. Many nonsmokers would like to ban smoking in public altogether, but smokers—one in five Texans—argue they have the right to puff away peacefully in legally designated areas. Then there are the business owners and managers placed in the position of having to enforce the city regulations, even at the price of losing some customers.

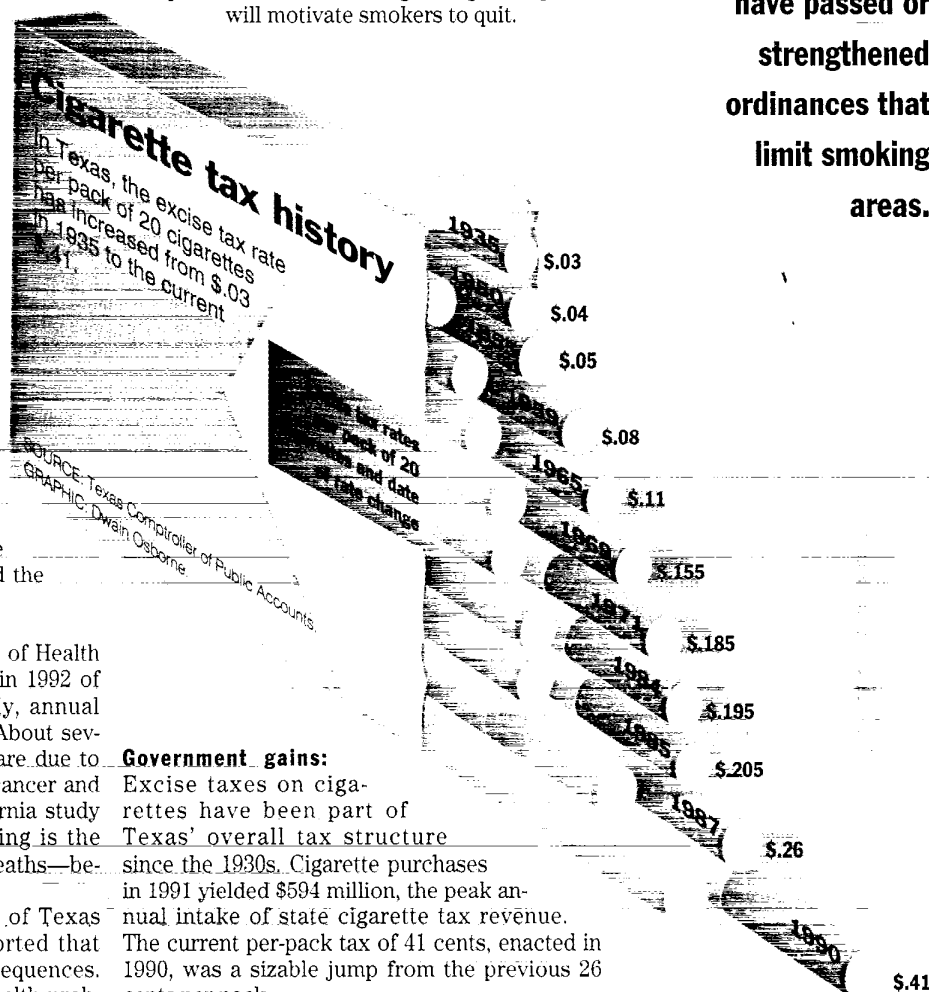
The battle to banish tobacco has been smoldering since 1964 when the U.S. Surgeon General linked smoking to lung cancer and heart disease. By now, all smokers have heard about the health risks associated with tobacco use, but it is second-hand smoke—passive smoke—that has raised new fears. The Environmental Protection Agency's decision to classify second-hand smoke as a Class A carcinogen has escalated the smoking controversy to new heights.

**Health hazards:** The Texas Department of Health (TDH) estimates 26,000 Texans died in 1992 of smoking-related illnesses. Nationally, annual deaths are estimated to top 400,000. About seven out of 10 smoking-related deaths are due to heart disease; the remainder to lung cancer and other cancers. A University of California study concluded that second-hand smoking is the third leading cause of preventable deaths—behind active smoking and alcohol use.

In 1990, TDH and the University of Texas M.D. Anderson Cancer Center reported that smoking carries hefty financial consequences. The overall cost of tobacco-related health problems was \$4 billion a year, according to the joint study. The study looked at 1.8 million Texans

who were 35 or older and smoked. Of the overall cost estimate, about one-third was in direct costs stemming from hospitalizations, physician fees, nursing homes and medications. Indirect costs accounted for the remainder, primarily loss of income due to premature death or missed work due to illness.

Numerous proposals to counteract the cost of health care for smokers are being studied. State and federal governments are considering raising tax rates on cigarettes. Tobacco is a popular commodity to tax, and some health-care professionals believe higher cigarette prices will motivate smokers to quit.



## Government gains:

Excise taxes on cigarettes have been part of Texas' overall tax structure since the 1930s. Cigarette purchases in 1991 yielded \$594 million, the peak annual intake of state cigarette tax revenue. The current per-pack tax of 41 cents, enacted in 1990, was a sizable jump from the previous 26 cents per pack.

The push by local governments to curb smoking in public may cut into what has been a fairly

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reliable source of tax revenue. As increasing numbers of smokers heed health warnings and kick the habit, cigarette purchases are likely to slide. A 4 percent drop in the volume of taxed cigarettes was recorded from 1992 to 1993, and the Comptroller's Office predicts a yearly decrease of about 3 percent in 1994 and 1995.

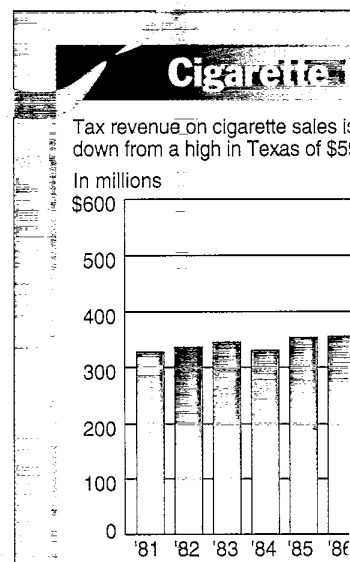
Of continuing concern for many Texans is the large number of youngsters who smoke. The *American Journal of Public Health* reports that U.S. teenagers in 1991 contributed \$240 million in tax dollars through the purchase of cigarettes. That year, an estimated 2.7 million U.S. smokers were between the ages of 12 and 18. In Texas, the number of underage smokers was set at 200,000, making the state second only to California in teens who smoke.

The *Journal* also estimated that Texas teens buy about \$38 million in cigarettes each year, paying more than \$8 million in state and \$4 million in federal cigarette taxes. It is illegal in all

states, including Texas, to sell tobacco products to minors.

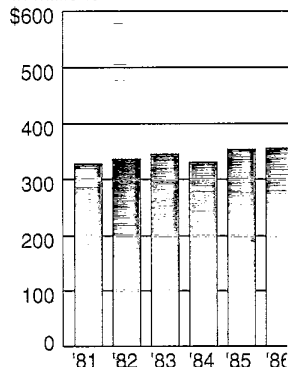
**Businesses react:** In the private sector, restaurants and bars are most affected by the city ordinances regulating smoking. Arlington, Austin and West

WIRE SMOKER



Tax revenue on cigarette sales is down from a high in Texas of \$590 million in 1981.

In millions

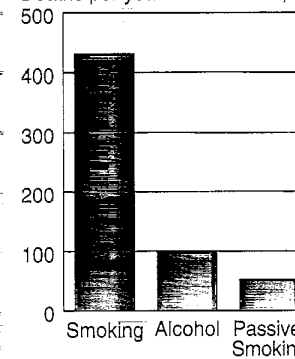


NOTE: Revenue jumped in 1991 due to SOURCE: Texas Comptroller of Public

## Preventable ca

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Deaths per year in thousands,



SOURCES: *Smoking and Restaurants*, 19 San Francisco Preventative Medicine Res (California affiliate) and Alameda County

**Cigarette facts:  
The long and short of it**

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Lake Hills are toughest on smokers who dine out. These cities do not allow any smoking in restaurants for all or part of the day. While many restaurants have gone smoke-free voluntarily, the Texas Restaurant Association reports that restaurant owners mostly cater to customer preference, and many smokers have made it known they want to be able to light up after a meal.

Many restaurant and bar owners argue that governmental intrusion is unfair and will cost them valuable business if customers are not allowed to smoke. If that proves to be the case, the local community could lose sales tax revenue derived from restaurant sales. When the Texas Restaurant Association examined sales at the Dallas/Fort Worth International Airport, it

found a near 20 percent drop in bar sales when smoking was banned, even though plane ridership in the same period was up. Furthermore, the association says businesses in blue-collar areas will be hurt most. Research has shown that people with higher levels of education are not as likely to smoke as those with fewer years of schooling.

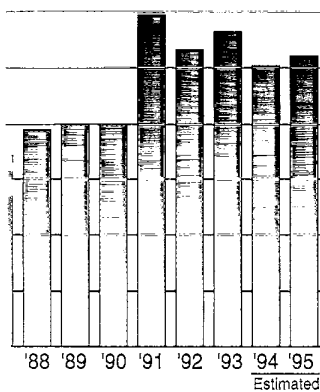
**Smoking bans:** Cities' response to the smoking controversy has varied, from completely banning smoking in public places to outlawing the free distribution of cigarette samples.

In 1993, the American Cancer Society examined the tobacco-related ordinances of 51 Texas cities and found that about a third had "no laws

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## Collections

Estimated to be \$522 million in 1995, \$480 million in 1991.

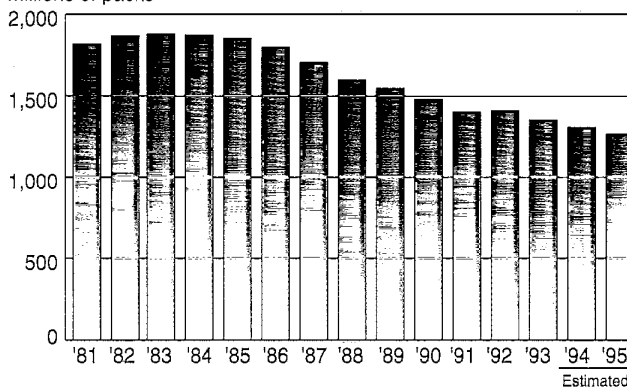


Increase in July 1990.  
Estimated

## Packs of cigarettes taxed

Texas smokers have been taxed by the state for decades, but beginning in the mid-1980s the volume of cigarette purchases began to fall.

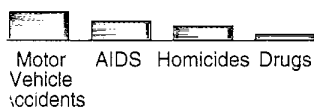
Millions of packs\*



\* Packs of 20 cigarettes.  
SOURCE: Texas Comptroller of Public Accounts.

## Death in U.S.

In collisions, smoking is blamed as a factor in deaths in the U.S.; passive smoking

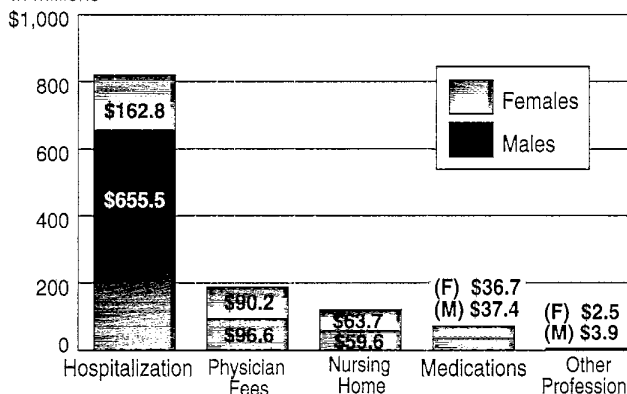


SOURCE: University of California at Berkeley and the National Cancer Institute, American Heart Association, and the U.S. Department of Health and Human Services' Tobacco Control Program.

## Direct health care costs in Texas

For Texans 35 and older who suffered illnesses attributable to smoking, the annual direct health care bill in 1990 topped \$1.2 billion. Men accounted for the bulk of smoking-related health costs.

In millions



Note: The figures above do not include indirect costs associated with smoking—income lost due to premature death or smoking-related illnesses.

SOURCES: Texas Department of Health and University of Texas M.D. Anderson Cancer Center.

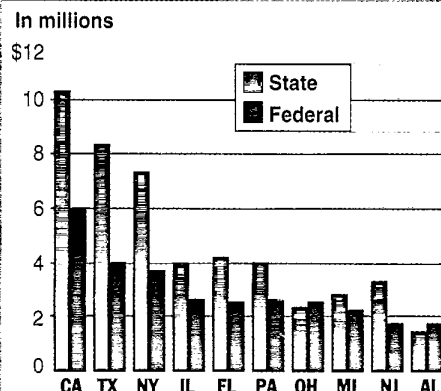
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**Ardent nonsmokers  
feel smoking  
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health not only of  
users but also of  
those around them.**

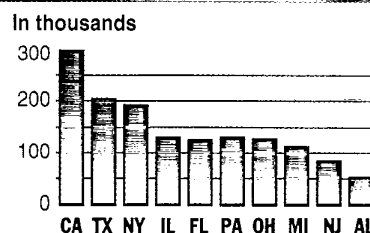
## Teens light up

Texas ranked second in 1991 in the number of teens buying cigarettes in the U.S. It is illegal to sell cigarettes to anyone 17 or younger.

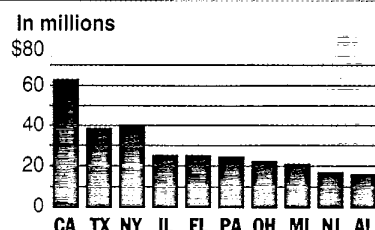
### Tobacco taxes paid by teens



### Estimated smokers in 1988



### Cigarette sales to teens



SOURCE: American Journal of Public Health, February 1994.

or very weak laws" on smoking in public. Most cities in the survey had taken a stand on limiting smoking, the most common regulation being a prohibition on smoking in city buildings. The most rigorous regulations, according to the survey, were in Arlington, Dallas, Fort Worth, Austin and San Antonio.

New ordinances are being passed all the time. Suburban West Lake Hills, adjacent to Austin, weighed into the tobacco wars last year with the state's first all-out smoking ban in public. About the only place safe to smoke in West Lake Hills is at home, in a car or on a parking lot. Austin followed with one of the state's most

complicated laws, permitting smoking in bars and restaurants only during certain hours and only if the establishment has installed a special ventilation system. Dallas is studying a smoking ban at Love Field, Reunion Arena and the convention center.

**Clearing the air:** With news reports suggesting passive smoke may be as dangerous as smoking, ardent nonsmokers feel smoking jeopardizes the health not only of users but also of those around them. That has turned up pressure on cities and towns to pass laws that prevent smokers from lighting up. As a result, these new laws are more comprehensive and strictly enforced, but municipalities still must referee the ongoing debate over the "rights" of nonsmokers and smokers. ■

Contributing to this story:  
Christen Chapman

## Vending Machine Crackdown

**Determined to fight underage smoking, some Texas cities have decided to short-circuit cigarette vending machines. Dropping change into a vending machine is one of the easiest ways for youngsters 17 and under to skirt state law and buy cigarettes. Collectively, Texas teens are estimated to spend \$38 million a year on cigarettes.**

**In San Antonio, vending machine owners and business managers have until October 1995 to remove cigarette vending machines from any business that serves children and is located within half a mile of a public or private school.**

**Dallas and Arlington have cracked down on vending machines by requiring lock boxes to keep minors out. The device can only be unlocked by an employee of the establishment. In Austin, vending machines can be operated only by tokens obtained from management.**

**Houston prohibits vending machines in public places frequented by minors, with the exception of hotels, motels and restaurant bars. ■**