

Smoke-Free Austin Timeline



- 06/03** Austin City Council passes a strong comprehensive ordinance with a September 2003 effective date
- 07/03** New Mayor sends ordinance to task force, strips most provisions and extends the effective date to June 2004
- 07/03 – 10/04** ACS, together with coalition partners, investigates process for local ballot measures, considers ballot language, etc.
- 02/01/05** Filed petition with ballot language
- 02/07/05** Petition determined insufficient given 15 days to submit supplemental petition
- 02/24/05** Filed supplementary petition
- 02/28/05** Petition certified sufficient
- 03/03/05** City Council placed initiative on May 7 Ballot
- 03/17/05** Opposition Lawsuit Dismissed
- 05/07/05** Ballot initiative passed
- 09/01/05** New Ordinance took effect

Smoke-Free Austin Timeline



- 10/19/05** U.S. District Judge Sam Sparks of Austin, Texas upheld the voter-approved City of Austin smoking ordinance but ordered the city not to not to revoke licenses or permits of business owners who violate the ordinance without first allowing them to have judicial review. The judge also ordered the city to limit fines against businesses that do not comply with the ordinance to \$500.
- 10/06/06** US District Judge Sparks of Austin, Texas ruled that businesses could no longer be held liable when their customers light up due to constitutional vagueness.
- 3/08/07** Tobacco Control Legal Consortium submits an amicus brief to US District Judge Sparks addressing constitutional vagueness.
- 1/29/08** Oral arguments take place before the U.S. Court of Appeals for the Fifth Circuit
- 3/27/08** US District Judge Sparks of Austin upholds Austin’s requirement that restaurant proprietors, etc. take “reasonable steps” to ensure compliance with the ordinance on their premises. This provision had been challenged by the plaintiffs as being constitutionally vague.

Lessons Learned



- 1) Dedicate as much time on the language upfront as possible
- 2) Seek guidance throughout the entire process from attorneys with expertise in smoke-free legislation
- 3) Establish a good working relationship with legal staff responsible for interpreting and defending the ordinance





Tobacco smoke doesn't read signs either.

NO SMOKING in Public Places
It's not about personal freedoms...
it's about public health.

Vote for a smoke-free Austin.

Vote early Wednesday, April 20 - Tuesday, May 3 or on Election Day, Saturday, May 7, 2005.
Join us in support of improving Austin's health by calling 919-1733 or at www.onwardaustin.org

