ANALYSIS OF ORDINANCES TO RESTRICT SECOND HAND SMOKE EXPOSURE IN TEXAS MUNICIPALITIES WITH OVER 5000 RESIDENTS: 2002

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# TABLE OF CONTENTS

Introduction ........................................................................................................................................... 1

Approach ................................................................................................................................................ 1

Results .................................................................................................................................................... 2

Figures .................................................................................................................................................... 4

- Figure 1. Percentage of Texas municipalities > 5000 with ordinances with moderate (M) to strong (S) restrictions across settings ........................................................................................................ 4
- Figure 2. Percentage of all residents in municipalities > 5000 covered by ordinances with moderate (M) to strong (S) restrictions across settings ........................................................................ 5
- Figure 3. Number of Texas municipalities with a population >5000 with an ordinance restricting exposure to secondhand smoke in the following areas ................................................................. 5
Introduction

Studies continue to demonstrate exposure to secondhand smoke (SHS) is causally linked to cancer and other serious health consequences among children and adults. Placing restrictions on smoking in public places is a key strategy to limit the public’s exposure to SHS. The current report describes results of a study to identify and describe municipal ordinances designed to restrict exposure to secondhand smoke in Texas municipalities with over 5000 residents.

Approach

In Texas, 75% of the total population lives in incorporated municipalities. 92% of those living in incorporated municipalities reside in municipalities with over 5,000 residents (n=299). All municipalities in Texas with a population >5000 were contacted in the summer of 2002 to obtain their “most recent ordinance restricting exposure to SHS.” Two reviewers rated the restrictiveness of each ordinance based on a coding system developed by the U.S. Centers for Disease Control and Prevention to rate state-level laws. Adaptations were made for Texas municipalities. Restrictiveness of each ordinance was reviewed for coverage of five types of public places: (1) municipal worksites; (2) private sector worksites; (3) restaurants; (4) child day care- commercial; and (5) child daycare - home-based. Additional descriptive data was recorded describing specific ordinance contents.

Level of restrictiveness for each of these public places was scored as follows:

1 = no restrictions on smoking;
2 = require or allow designated smoking areas;
3 = either no smoking is allowed OR designated smoking areas with separate ventilation are required in a particular setting (i.e., owner or manager may choose to be smoke-free or may designate a separately-venilated smoking area), but coverage is partial due to exceptions, restrictions, or other legal issues;
4 = either no smoking is allowed OR designated smoking area with separate ventilation is required;
5 = no smoking is allowed in a particular setting (100% smoke-free).

Municipalities without an ordinance to limit exposure to SHS were assigned a score of 0.

Restrictiveness ratings were entered into an Access database and combined with information about size, race/ethnic composition and other descriptive information to allow for examination and comparison of ordinance features by geographic area, population characteristics, and effective dates (i.e., before and after January 2000).
Results

Highlights of analysis of SHS municipal ordinance in cities with over 5,000 residents as of January 2003 include the following.

I. Number of Texans who live in cities with SHS ordinances

- 62% (189/299) of municipalities in Texas with >5000 residents have an ordinance to limit exposure to SHS. These ordinances cover 91% of residents. However, most of these ordinances are weak; when stronger restrictions do exist, they are only likely to cover limited settings (see Results, Section II).

- 63% of the total Texas population live in cities covered by SHS ordinances, although many these ordinance provisions are not of sufficient strength to provide adequate resident protection from SHS. Since an additional 25% of all Texans live in unincorporated or rural areas, only 12% of eligible Texans are not covered by some level of SHS ordinances.

- Larger municipalities are far more likely than smaller ones to have SHS ordinances. All of the 24 Texas municipalities with populations over 100,000 have an ordinance with some level of restriction, as do 9 of every 10 cities with 50,001 - 100,000 residents. In contrast, only approximately one in every five (22%) of the 237 municipalities studied with populations less than 5000 had SHS ordinances.

II. Strength of restrictions to SHS exposure in municipal and private sector worksites, restaurants, and childcare facilities

- Almost one in three (32%) cities with >5,000 residents have ordinances that are moderate to strong in one or more settings. However, most of the stronger restrictions cover only one setting, typically municipal worksites. Another 30% of cities have ordinances of weak strength across all settings, and 38% of cities do not have any ordinances (see Figure 1).

- El Paso is the only municipality in Texas whose ordinance requires that municipal worksites, private sector worksites, restaurants, and child care facilities all be 100% smoke free. Five additional municipalities have ordinances that provide moderate to strong (scores of 4 or 5) levels of smoking restrictions across all five types of public places.

- 45% of those living in cities with over 5,000 residents are covered by ordinances that provide moderate to strong levels of protection against SHS in one or more settings. Often these stronger restrictions are in two or more settings (see Figure 2).
• Minority coverage in Texas’ larger cities is similar to that of the general population. 42% of minority residents in municipalities >5,000 are covered by ordinances with one or more settings of at least moderate strength and another 51% are covered by weaker ordinances. Only 7% are not covered by any ordinance.

• Municipal worksites are the settings where SHS restrictions most frequently exist. Over half of municipalities have some level of municipal worksite restrictions; slightly over a third restrict smoking in restaurants; and approximately one in four restrict smoking in private sector worksites. Very few restrict smoking in commercial or home-based childcare settings. While one in four of the municipal worksite restrictions are of at least moderate strength, less than 10% of the other settings are covered by moderate to strong levels of restriction (see Figure 3).

III. Changes in municipal ordinance status since 2000.

• Coverage in 2003 has strengthened over coverage provided before initiation of the Texas Tobacco Prevention Initiative by Texas Department of Health in 2000.

• 24 municipalities have established or updated their smoking ordinances between January, 2000 and January, 2003.

• 16 Texas municipalities had smoking ordinances with at least moderate levels of restrictiveness across municipal worksites, private sector worksites, and restaurants in January 2003, compared to nine in January, 2000.
Figures

Figure 1. Percentage of Texas municipalities > 5000 with ordinances with moderate (M) to strong (S) restrictions across settings* (n = 299)

*Settings: Municipal Worksite, Private Worksite, Restaurant, Child daycare – commercial, Child daycare - homebased
Figure 2. Percentage of all residents in municipalities > 5000 covered by ordinances with moderate (M) to strong (S) restrictions across settings* (n = 14,459,877)

*Settings: Municipal Worksite, Private Worksite, Restaurant, Child daycare – commercial, Child daycare - homebased

Figure 3. Number of Texas municipalities with a population >5000 with an ordinance restricting exposure to secondhand smoke in the following areas