



TEXAS: The Lone Star State Deserves Smokefree Protections

55.5% of Texans are still breathing secondhand smoke in workplaces, restaurants, and bars.



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Secondhand smoke has been classified by the Environmental Protection Agency as a Group A carcinogen, known to cause cancer in humans. [1]

Texas is the second most populous state, with a population of 28 million. Multiple efforts at the Capitol to provide sweeping and comprehensive protection through statewide legislation have been unsuccessful. In the absence of statewide protections, public health partners worked to successfully pass strong smokefree workplace laws in the state's major municipalities, including Houston, Dallas, Austin, San Antonio, and Fort Worth. Despite the coverage in the metropolitan areas and the over 100 municipal ordinances throughout the state, **more than half of Texas residents – many in unincorporated regions – remain unprotected** from secondhand smoke exposure in the workplace.

Preemption status:

Not preempted

State law does not preempt local governments from adopting smokefree air laws. Preemption refers to situations in which a law passed by a higher level of government takes precedence over a law passed by a lower one. In this case, preemptive state laws set a ceiling, rather than a floor, and do not allow local authorities to enact strong local laws.

- **62.3% of Americans enjoy comprehensive smokefree protections in all public places and workplaces, including restaurants and bars. In contrast, in Texas only 44.5% of the population is protected by this type of smokefree law. [2]**

- **498,000 Texans currently under the age of 18 are projected to die of tobacco related disease. [3]**

- **Texans ranks 35th in overall health and 30th in Non-smoking Regulations according to United Health Foundation's America's Health Rankings Annual Report (2021).**

- **Healthcare costs attributed to tobacco use in Texas amount to \$8.85 billion annually. [4]**

- **Despite challenges, encouraging trends and developing strategies can help close the gaps in protections.**

“Progress in reducing secondhand smoke exposure among U.S. nonsmokers has stalled since 2011.

58 million Americans are still exposed to secondhand smoke, including 2 in 5 children.”

—Centers for Disease Control and Prevention (CDC)
Morbidity and Mortality Weekly Report, December 6, 2018

“Exposure to Secondhand Smoke Among Non-smokers in the United States, 1999–2014”

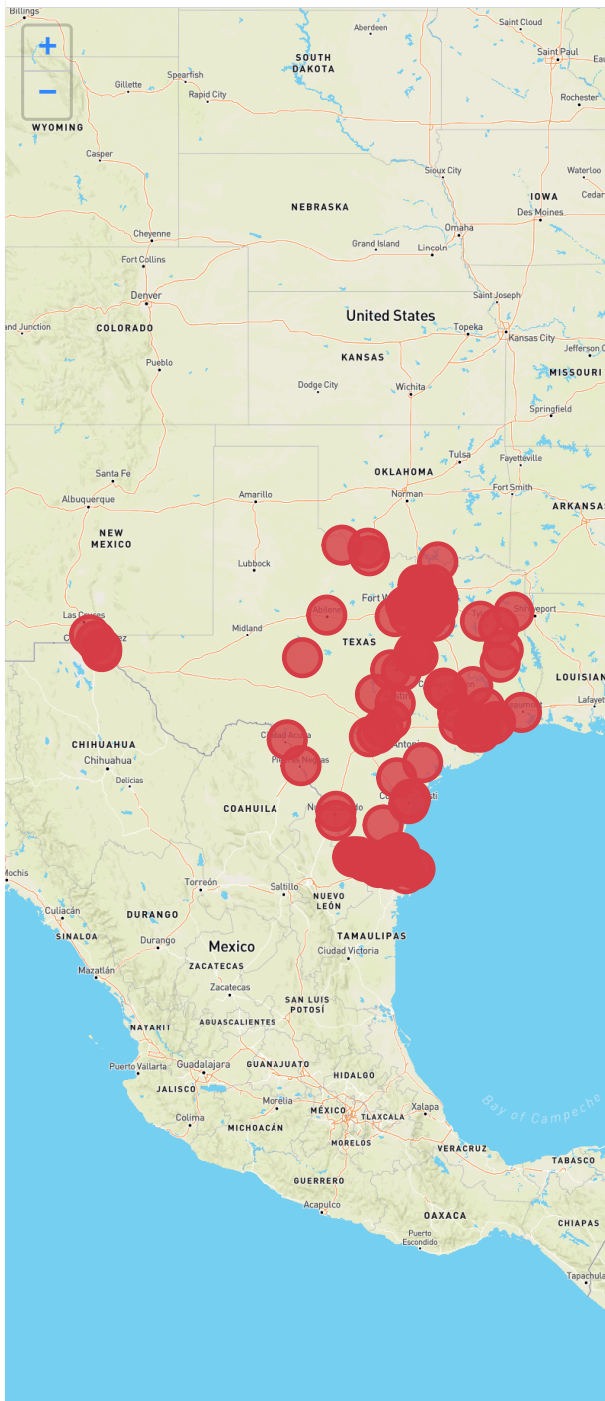


**Millions of Texans Are Still Exposed
to Secondhand Smoke**

Current Landscape of Smokefree Protections

Source: ANR Foundation U.S. Tobacco Control Laws Database©

100% Smokefree Workplace, Restaurant, and Bar Laws, as of July 2022 [2]



Percentage of Businesses Required to be Smokefree, by Community, as of July 2022 [2]

Community	Workplaces (%)	Restaurants (%)	Bars (%)
Abilene, TX	100	100	100
Alamo, TX	100	100	100
Alpine, TX	0	0	100
Alton, TX	100	100	100
Angleton, TX	0	100	0
Anthony, TX	100	100	100
Arlington, TX	100	100	100
Athens, TX	100	0	0
Austin, TX	100	100	100
Baytown, TX	100	100	100
Beaumont, TX	100	100	100
Bedford, TX	0	100	0
Beeville, TX	100	100	100
Benbrook, TX	100	100	100

*By law, some cities and counties do not have freestanding bars, but their law is written in such a way that if bars were allowed they would be covered; in these instances, we have put a 100 in the Bars column.

If the state enacted a comprehensive statewide smokefree law for Texas' nearly 29 million residents, more than half of the U.S. population would be protected from secondhand smoke exposure in the workplace. This could significantly help to close the gaps in public health equity in the state, including chronic illnesses attributable to secondhand smoke exposure, such as cardiovascular disease, stroke, and cancers. Unfortunately, tobacco industry influence at the state Capitol has fractured support for previous attempts for a statewide bill, and the outlook for upcoming sessions continues to look unlikely. In spite of roadblocks at the Capitol, public health partners continue to make significant progress at the local level. With each of the state's major municipalities covered by a smokefree law that protects non-hospitality workplaces, restaurants, and bars, a strong foundation has been set for the rest of the state to follow. Public health partners have turned their attention and efforts toward building momentum at the local level. As of 2021, [over 100 municipalities](#) across the state are protecting all workers and families from dangerous secondhand smoke exposure and improving the public health of their community with a comprehensive smokefree workplace, restaurant, and bar law.

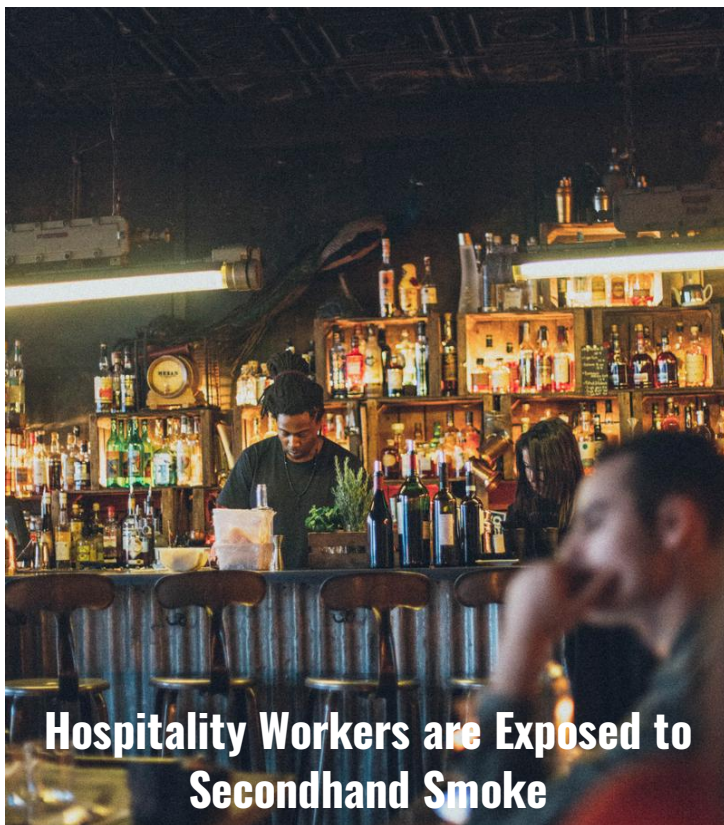


Local control leads the way in Round Rock as the Mayor signs a smokefree ordinance that also includes electronic cigarettes (e-cigarettes).

Poor health outcomes and high costs

While Texas' youth and adult smoking rates of 7.4% and 15.7%, respectively, closely reflect the national averages, the state's large population means that millions of people are still exposed to secondhand smoke. Tobacco use in Texas comes with high costs, attributing to **more than 28,000 deaths each year** and costing more than \$8.8 billion in annual health care costs, with nearly \$2 billion in Medicaid expenditures. [4] Cardiovascular disease continues to be the leading cause of death in Texas, followed by cancer, cerebrovascular disease, and chronic lower respiratory diseases.

Secondhand smoke exposure causes heart disease, stroke, and lung cancer among adults, as well as respiratory disease, ear infections, sudden infant death syndrome, more severe and frequent asthma attacks, and slowed lung growth in children. [3]



Hospitality Workers are Exposed to Secondhand Smoke

Who is left behind?

According to the Texas Workforce Commission, the state's Leisure and Hospitality Industry leads the way in workforce development, consistently adding more jobs than any other industry each year. That's good news for job seekers, but this rapid industry growth puts mounting pressure on the hospitality industry to protect its workforce from harmful secondhand smoke exposure in the workplace. Far too often, establishments including restaurants, bars, hotels, and gaming are exempted from the law and continue to put a growing workforce in harm's way. More often than not, these jobs offer low wages and inadequate health coverage. In fact, Texas leads the nation in uninsured residents. The result is a bad recipe for increasing health disparities that continue to be a financial and public health burden to the entire state.

“Tobacco use is the leading preventable cause of death in the United States. More than 480,000 people die from smoking or exposure to secondhand smoke each year. [3].”

Beyond secondhand smoke exposure, nonsmokers exposed to thirdhand smoke in a casino are at an ever higher risk than those in a thirdhand smoke-polluted home. [5] Further, hospitality workers and children are susceptible to thirdhand smoke exposure, as the particles cling to hair, clothing and cars. Young children are particularly vulnerable, because they can ingest tobacco residue by putting their hands in their mouths after touching contaminated surfaces. [6]

Smokefree laws help to reduce adult smoking prevalence and prevent youth and young adult smoking initiation. [3,7]

Those most likely to be exposed to secondhand smoke work in the hospitality industry and are more likely to identify as a racial minority



The people of Texas want smokefree air

While a statewide poll has not been conducted in several years, recent polling trends show a steady increase in support for smokefree laws. A 2013 poll showed that 74% of Texas voters favored a proposed statewide law that would prohibit smoking in all indoor workplaces and public facilities including public buildings, offices, restaurants, and bars. [8] Support for the proposed statewide law has continued to increase since 2007.

The state's Smoke-Free Texas coalition has earned the support and endorsement for strengthening the state's smoking protections from a wide-ranging representation of the state's business, civic, and political stakeholders.



Gaming in Texas

Casinos, race tracks and other gaming establishments are workplaces as well as public places and should also be smokefree. In response to the COVID-19 pandemic, the **Kickapoo Traditional Tribe** of Texas implemented a sovereign smokefree policy for the **Kickapoo Lucky Eagle Casino Hotel** in Southwest Texas. There are at least 43 gaming establishments in Texas, but **only 3** are 100% smokefree. See ANR Foundation's Smokefree Casino and Gaming Property Directory for [Texas](#).

First of its kind study demonstrates that casino visitors, even current smokers, desire smokefree spaces.

“When smoking is allowed in indoor areas of casinos, millions of nonsmoking casino visitors and hundreds of thousands of employees can be involuntarily exposed to secondhand smoke and related toxicants. [15]”

—Office on Smoking and Health, Centers for Disease Control and Prevention

A recent study found that **75% of U.S. adults** who visit casinos **favor smokefree casinos**.

No prior studies have exclusively assessed adult attitudes toward smokefree casinos in the United States.

This study found very high favorability among those age >64 (81.6 %), college educated (81.7%), and higher income (79.1/80.8%). Smokers made up 13% of the sample, and, of those smokers, nearly half (45%) supported smokefree casinos. [15]



COVID Reminds Us That Health Promotion Policies Matter

Smoking and vaping, along with exposure to secondhand smoke and aerosols, negatively impact the respiratory system and may cause a person's immune system to not function properly, known as being immunocompromised. Research demonstrates that current and former smokers of any age are at higher risk of severe illness from coronavirus disease (COVID) in part due to compromised immune and/or respiratory systems. Smoking leads to cardiovascular disease, as well as respiratory illnesses including bronchitis, asthma, Chronic Obstructive Pulmonary Disease (COPD), and lung cancer as a result of exposure to particulate matter, toxins, and carcinogens into their lungs. Secondhand tobacco and marijuana smoke and aerosol contain many of the same toxins, carcinogens, and particulate matter that lead to respiratory and cardiovascular diseases.

Removing masks to smoke or vape indoors undermines the proven benefit of face coverings and increases the [risk of transmitting or inhaling COVID via infectious respiratory droplets](#), uncovered coughs, and increased touching of faces. Preventing exposure to secondhand smoke and e-cigarette aerosol or vape by adopting a smokefree policy with no smoking or vaping indoors and moving smoking or vaping to socially distanced outdoor areas away from entrances, could help mitigate worker and public exposure to carcinogens and toxins, as well as COVID.

Just as social distancing and handwashing help prevent the spread of disease, eliminating secondhand smoke is critical to prevent acute and chronic diseases, and saves lives by reducing the risk of heart disease, stroke, respiratory diseases, and lung cancer by up to 30% at a population wide level.

Going smokefree prevents exposure to the carcinogens and toxins in secondhand tobacco and marijuana smoke as well as dramatically reduces the spread of respiratory droplets that could transmit flu and other viruses like COVID.

Strategies to Close Gaps & Increase Health Equity



Focus on smokefree: Public health partners are tasked with addressing a number of priorities in the effort to bring health equity to the people they serve. Multiple priority issues often lead to competing policies efforts which can distract and delay work on smokefree policies. Public health advocates should remember that smokefree laws have immediate and long-term health and economic benefits; they are worth the investment of time and effort to protect everyone from exposure to a known human carcinogen. [3]



Let local lead the way: Since Texas municipalities have the authority to adopt local laws, communities should continue to focus on laws that will cover all workplaces, including bars, gambling/bingo facilities, and hotels/motels. Local control and increasing civic engagement is at the heart of our broader goal of educating the public about the health effects caused by secondhand smoke and changing attitudes regarding smoking in ways that harm other people. Smokefree laws should also prohibit the use of e-cigarettes, marijuana, and hookah to prevent secondhand smoke exposure to the toxins, carcinogens, fine particles, and volatile organic compounds that have been found to compromise respiratory and cardiovascular health. [9,10]. In 2018, Texas led the country in the number of local smokefree laws passed that prohibited smoking, including e-cigarettes, and has continued to pass strong laws in the years since. [2]



Thwart preemptive efforts: With the surge of local laws in Texas and neighboring states like Louisiana and Mississippi, the tobacco industry and its allies are eager to block the wave of momentum from gaining further traction. Public health advocates can expect to see more aggressive attempts by the opposition to promote preemptive legislation in the Capitol. Preemptive laws typically contain a few very weak provisions and prevent further progress at the local level where stronger laws are more likely to pass. Thwarting preemptive efforts will require vigilance from the public health community and its allies in order to preserve the landscape for local smokefree policy progress.



Invest in the future: In order to address the gaps in smokefree coverage, a great deal of effort and financial resources will be required to explain the ongoing disparities in smokefree protections and the benefits of 100% smokefree environments, and to counter misinformation about the vulnerability of the business sector when smokefree policies are in effect. Collaborating with and mobilizing additional community-based partners and stakeholders who represent Texas' growing business and hospitality industries, as well as its most at-risk community sectors will be critical to reach success.

Increase funding and resources: Tobacco prevention, education, training, and cessation funds are needed to better address disparities in smoking and exposure to secondhand smoke. In addition, funds to support the implementation of a statewide law are critical to increase community awareness of and compliance with the smokefree rules.



no-smoke.org // info@no-smoke.org

The American Nonsmokers' Rights Foundation is dedicated to improving community health and increasing health equity by ensuring that everyone is protected by a 100% smokefree law. We provide training, technical assistance, and tobacco policy surveillance data for civic engagement to improve community health.

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