

SUBJECT: Recommending instruction on e-cigarette prevention in public schools

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Dutton, Gooden,
K. King, Koop, Meyer, VanDeaver

0 nays

SENATE VOTE: On final passage, April 18 — 26-5 (Buckingham, Burton, Creighton, Hall,
V. Taylor)

WITNESSES: *On House companion bill, HB 3684:*

For — (*Registered, but did not testify:* Dwight Harris and Ted Melina Raab, Texas American Federation of Teachers; Lindsay Gustafson, Texas Classroom Teachers Association; Ellen Arnold, Texas PTA; Portia Bosse, Texas State Teachers Association)

Against — (*Registered, but did not testify:* Traci Hooks)

On — (*Registered, but did not testify:* Kara Belew, Von Byer, and Monica Martinez, Texas Education Agency)

BACKGROUND: Education Code, sec. 28.004 requires the board of trustees of each school district to establish a local school health advisory council to assist with ensuring that local community values are reflected in the district's health education instruction. The council's duties include making recommendations for policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns.

Health and Safety Code, sec. 161.081 defines an e-cigarette as an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device.

DIGEST: SB 489 would add recommending instruction to prevent the use of e-cigarettes to the duties of a local school health advisory council.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS SAY: SB 489 would address concerns that use of e-cigarettes among middle and high school students has increased in recent years by recommending that instruction to prevent e-cigarette use be reflected in the health education curriculum delivered by local school districts. Last session, the Legislature took steps to regulate and mitigate e-cigarette use, but it has not been addressed through the public school health education curriculum.

While e-cigarettes are sometimes perceived to be a healthy alternative to cigarettes, e-cigarettes still are a nicotine-based product that can lead to health consequences. By allowing local school health advisory councils to recommend better education for students on the health risks associated with e-cigarettes, just as these councils already do for curriculum on traditional cigarettes, the bill would ensure that health experts and community members were involved in determining the instructional content best suited for their communities.

The bill would not require e-cigarette curriculum in all schools. Each local school health advisory council would be able to determine the extent to which they would recommend e-cigarette prevention instruction, and school districts would have the final say on any decision on health curriculum in their schools.

OPPONENTS SAY: SB 489 would create an unnecessary requirement for school districts and local health advisory councils. Instead of making instruction to prevent the use of e-cigarettes a requirement in the Education Code, it should be left up to the discretion of each district to choose whether such instruction was necessary for its community. Making health and nutritional recommendations is not the proper role of government, and this bill would further intrude into matters that should be the responsibility of parents.

OTHER
OPPONENTS
SAY:

Without ample scientific evidence suggesting that e-cigarettes pose a danger to one's health, discussions on their use should not be added to instruction in the public education system.

NOTES:

A companion bill, HB 3684 by Alvarado, was withdrawn from the Local, Consent, and Resolutions Calendar on May 12.