

BILL ANALYSIS

Senate Research Center

H.B. 1427
By: Hightower (Whitmire)
Criminal Justice
5-10-97
Engrossed

DIGEST

Two years ago, the Board of Criminal Justice instituted a tobacco-free work place on properties under their jurisdiction. As a result, tobacco, tobacco products and related items are now treated as contraband. Other state employees have the ability to go outside of their office building and use the tobacco product of their choice. This bill would allow the Department of Criminal Justice to provide areas where tobacco products can be used. This bill would call for these areas to be established where any person who does not use these products is not physically affected by the designated location.

PURPOSE

As proposed, H.B. 1427 allows the Texas Department of Criminal Justice (TDCJ) to provide areas where tobacco products can be used on properties under the jurisdiction of TDCJ.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Criminal Justice in SECTION 1 (Section 494.010, Government Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 494, Government Code, by adding Section 494.010, as follows:

Sec. 494.010. EMPLOYEES' POSSESSION AND USE OF TOBACCO PRODUCTS. Requires a rule adopted by the Board of Criminal Justice (TBCJ) that regulates the possession and use of tobacco products by Texas Department of Criminal Justice (TDCJ) employees to provide that employees of TDCJ are permitted to use tobacco products during work hours at times and locations designated by TBCJ. Requires TBCJ, in designating locations at which the use of tobacco products is permitted, to designate locations that are at a sufficient distance from a place at which employees regularly perform duties to ensure that no employee who abstains from the use of tobacco products is physically affected by the use of tobacco products at the location; and do not negatively affect the comfort or safety of any employee or inmate.

SECTION 2. Requires TBCJ, by the 90th day after the effective date of this Act, to amend any rule of TDCJ regulating the possession and use of tobacco products of TDCJ employees as necessary to comply with the provisions of Section 494.010, Government Code, as added by this Act.

SECTION 3. Emergency clause.
Effective date: upon passage.