

BILL ANALYSIS

Senate Research Center

H.B. 2767
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Business & Commerce
5/9/2001
Engrossed

DIGEST AND PURPOSE

In 1997, the legislature enacted legislation to restrict minors' access to tobacco products. The office of the comptroller of public accounts was given certain duties to inspect and audit retailers and tobacco permit holders for compliance with the law. The provisions related to notifying employees of their legal responsibilities needs clarifying. H.B. 2767 replaces the term "permit holder" with "retailer" with respect to certain responsibilities and removes the stipulation that a person only commits an offense for failing to display a required sign if the failure is intentional.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.084(e), Health and Safety Code, to delete the text "intentionally."

SECTION 2. Amends Section 161.085, Health and Safety Code, to replace the text "permit holder" with "retailer." Deletes the text "an intentional." Replaces the text "notice" with "forms." Makes conforming changes. Provides that it is a defense to prosecution under Subsection (d) to show proof that the employee did complete, sign, and date the forms required by Subsections (b) and (c) (rather than Subsection (a)) Requires proof to be shown to the comptroller or an agent of the comptroller not later than the seventh day after the date of a demand under Subsection (d) (rather than within 72 hours of the offense).

SECTION 3. Effective date: September 1, 2001.