

BILL ANALYSIS

Senate Research Center

S.B. 1281
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Business & Commerce
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DIGEST AND PURPOSE

Currently, minors' access to tobacco products is restricted. The comptroller's office has the duty to inspect and audit retailers and tobacco permit holders for compliance with current law.

As proposed, S.B. 1281 removes the requirement that the comptroller prove intention on the part of a retailer who failed to display a sign required by law. S.B. 1281 also changes the phrase "permit holder" to "retailer," and allows retailers seven days to produce certain forms upon demand from the comptroller's office

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 provide that a person commits an offense if the person fails, rather than intentionally fails, to display a sign as required by this section.

SECTION 2. Amends Section 161.085, Health and Safety Code, to require each retailer, rather than permit holder, to notify each individual employed by that retailer, rather than permit holder, who is to be engaged in retail sales of cigarettes or tobacco that state law requires each person who sells cigarettes or tobacco products at retail or by vending machine to post a warning notice as provided by Section 161.084, requires each employee to ensure that the appropriate sign is always properly displayed while that employee is exercising the employee's duties, and provides that a violation, rather than an intentional violation, of Section 161.084 is a Class C misdemeanor. Provides that a retailer is required to retain the form signed by each individual employed as a retail sales clerk until the 60th day after the date the individual has left the employer's employ. Provides that a retailer required by this section to notify employees commits an offense if the retailer fails, on demand of a peace officer or an agent of the comptroller, to provide the forms, rather than notice, prescribed by this section. Provides that it is a defense to prosecution 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). Deletes text regarding proof to be shown within 72 hours of the offense. Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2001.