

BILL ANALYSIS

Senate Research Center
79R4511 MSE-D

S.B. 653
By: Van de Putte
State Affairs
3/23/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

One of the most common, serious, and costly problems facing American families today is premature birth. More than 49,000 babies are born prematurely each year in Texas and the incidence continues to rise. The surgeon general reported in 2001 that smokers are more likely than non-smokers to have babies who are born premature, experience low birth weight, are stillborn, or die because of sudden infant death syndrome.

Currently, there is no Texas law requiring point-of-sale health warnings for tobacco products, specifically providing information about smoking while pregnant and the subsequent risk of preterm birth. Though there are point-of-sale signage laws in Texas, they pertain to underage smokers and the penalty for attempting to purchase tobacco products while underage. The Office of the Comptroller of Public Accounts oversees the current signage program and sends signs in both English and Spanish to licensed tobacco retailers in Texas.

As proposed, S.B. 653 adds a statement to the sign required to be posted by each person who sells cigarettes or tobacco products which reads: "Pregnant women should not smoke. Smokers are more likely to have babies who are born premature, are stillborn, or die because of sudden infant death syndrome (SIDS)."

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.084(b), Health and Safety Code, to require that each person who sells cigarettes or tobacco products at retail or by vending machine post a sign with a certain statement, including the text "Pregnant women should not smoke. Smokers are more likely to have babies who are born premature, are stillborn, or die because of sudden infant death syndrome (SIDS)."

SECTION 2. Requires the comptroller to adopt rules as necessary to implement Section 161.084, Health and Safety Code, as amended by this Act, not later than the 90th day after the effective date of this Act.

SECTION 3. Effective date: September 1, 2005.