

## **BILL ANALYSIS**

Senate Research Center  
84R962 KKR-D

S.B. 648  
By: Uresti et al.  
Health & Human Services  
3/16/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 648 increases the age to purchase or possess tobacco products from 18 years of age to 19 years of age in order to make it more difficult for high school students to gain access to cigarettes and other tobacco products. There exists abundant evidence that show that nicotine and other tobacco additives have persistent negative impacts on the developing brain. Texas spends more than \$12 billion dollars per year on healthcare expenses attributable to tobacco. Tobacco will cause 20 percent of all deaths, and 30 percent of all cancer deaths, and 88 percent of adults who use tobacco will start using as children.

As proposed, S.B. 648 amends current law relating to the distribution, possession, purchase, consumption, and receipt of cigarettes and tobacco products, and provides penalties.

### **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 161.081, Health and Safety Code, by adding Subdivision (1-a) to define "minor" as a person under 19 years of age.

SECTION 2. Amends the heading to Section 161.082, Health and Safety Code, to read as follows:

Sec. 161.082. SALE OF CIGARETTES OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 19 YEARS OF AGE PROHIBITED; PROOF OF AGE REQUIRED.

SECTION 3. Amends Sections 161.082(a) and (e), Health and Safety Code, as follows:

(a) Increases the age of a minor from 18 to 19 years of age and makes a conforming change.

(e) Makes a conforming change.

SECTION 4. Amends Section 161.084(b), Health and Safety Code, to increase the age of a minor from 18 to 19 years of age in the required language to be included in a sign.

SECTION 5. Amends Sections 161.085(a) and (b), Health and Safety Code, as follows:

(a) Increases the age of a minor from 18 to 19 years of age.

(b) Requires that the notice required by this section, rather than Subsection (a), be provided within 72 hours of the date an individual begins to engage in retail sales of cigarettes or tobacco products. Makes a conforming change.

SECTION 6. Amends Section 161.086(b), Health and Safety Code, to increase the age of a minor from 18 to 19 years of age.

SECTION 7. Amends Sections 161.087(a) and (b), Health and Safety Code, as follows:

- (a) Increases the age of a minor from 18 to 19 years of age.
- (b) Makes a conforming change.

SECTION 8. Amends Sections 161.088(b) and (d), Health and Safety Code, as follows:

- (b) Increases the age of a minor from 18 to 19 years of age.
- (d) Requires that the use of a person younger than 19 years of age to act as a minor decoy to test compliance with this subchapter be conducted in a fashion that promotes fairness. Authorizes a person to be enlisted by the comptroller of public accounts of the State of Texas or a local law enforcement agency to act as a minor decoy only if the following requirements are met:
  - (1) Makes no change to this subdivision;
  - (2) at the time of inspection, the minor decoy is younger than 18, rather than 17, years of age;
  - (3)-(5) Makes no change to these subdivisions.

Makes a conforming change.

SECTION 9. Amends Section 161.251, Health and Safety Code, by adding Subdivision (1-a) to define “minor” as a person under 19 years of age.

SECTION 10. Amends Sections 161.252(a), (b), and (c), Health and Safety Code, as follows:

- (a) Increases the age of a minor from 18 to 19 years of age and makes a conforming change.
- (b) and (c) Makes conforming changes.

SECTION 11. Amends Section 161.452(b), Health and Safety Code, to delete text of existing Subdivision (3) requiring a person taking a delivery sale order to comply with the shipping requirements provided by Section 161.455 (Shipping Requirements). Renumbers existing subdivisions appropriately.

SECTION 12. Amends Section 161.453(a), Health and Safety Code, to increase the age of a minor from 18 to 19 years of age.

SECTION 13. Repealer: Section 161.455 (Shipping Requirements), Health and Safety Code.

SECTION 14. (a) Makes application of Subchapters H (Distribution of Cigarettes or Tobacco Products), N (Tobacco Use by Minors), and R (Delivery Sales of Cigarettes), Chapter 161 (Public Health Provisions), Health and Safety Code, as amended by this Act, prospective.

- (b) Makes application of this Act prospective.

SECTION 15. Effective date: September 1, 2015.