

## **BILL ANALYSIS**

Senate Research Center  
84R2041 SCL-D

S.B. 96  
By: Hinojosa  
Education  
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As Filed

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

Electronic cigarettes, also known as e-cigarettes or vape pens, are battery-powered vaporizers that turn nicotine, flavor, and other chemicals into an aerosol that is then inhaled by the user. The liquid that is vaporized in e-cigarettes comes in hundreds of flavors. Some of these flavors, such as bubble gum and milk chocolate, are likely attractive to younger persons.

As the popularity of these products continues to grow among adolescents, so do concerns regarding their potentially harmful effects. However, because these products are relatively new to the market, a comprehensive assessment of their health impact, especially their long-term consequences, has yet to be developed.

Though some research suggests e-cigarettes are less harmful than conventional cigarettes, they are not risk free because they contain nicotine, a highly addictive drug. The nicotine in e-cigarettes poses a substantial risk to youth in particular. Adolescence is a critical juncture in the development of nicotine addiction, and nicotine in any form—smokeless, combustible, or electronic—can have adverse effects on adolescent brain development.

In 2014, more teens used e-cigarettes than traditional tobacco cigarettes or any other tobacco product, and the Centers for Disease Control and Prevention found that e-cigarette use doubled among students at high schools and middle schools across the country, growing from 3.3 percent in 2011 to 6.8 percent in 2012.

E-cigarettes are currently unregulated at the federal level and in Texas, and the United States Food and Drug Administration has yet to finalize regulations that would ban the sale of these devices to anyone under 18 years of age. As of October 2014, 41 states and one territory prohibit sales of electronic cigarettes or vaping/alternative tobacco products to minors, and school districts across the country have taken it upon themselves to ban these products on school property.

These products' lack of regulation, together with their influence on adolescents and the concern they present to the public health community, reinforce the need for legislation at the state level that addresses their presence on school property.

S.B. 96 defines e-cigarettes and requires the board of trustees of a school district to:

- Prohibit smoking or using vapor products at a school-related or school-sanctioned activity on or off school property;
- Prohibit students from possessing vapor products at a school-related or school-sanctioned activity on or off school property; and
- Ensure that school personnel enforce the policies on school property.

As proposed, S.B. 96 amends current law relating to a prohibition on the use and possession of vapor products on school property.

## **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 28.004(k), Education Code, to add a statement of whether a school district has adopted and enforces policies and procedures that prescribe penalties for the use of vapor products, as defined by Section 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities among the statements a school district is required to publish in the student handbook and post on the district's Internet website, if the district has an Internet website.

SECTION 2. Amends Section 38.006, Education Code, as follows:

Sec. 38.006. New heading: VAPOR PRODUCTS AND TOBACCO PRODUCTS ON SCHOOL PROPERTY. (a) Defines "vapor product."

(b) Creates this subsection from existing text. Requires the board of trustees of a school district to prohibit smoking or using vapor products or tobacco products at a school-related or school-sanctioned activity on or off school property and to prohibit students from possessing vapor products or tobacco products at such an activity on or off school property, and to ensure that school personnel enforce the policies on school property. Makes a nonsubstantive change.

SECTION 3. Effective date: September 1, 2015.