

## **BILL ANALYSIS**

S.B. 96  
By: Hinojosa  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties describe the electronic cigarette as a vapor product device that resembles a tobacco cigarette and fully recreates the smoking experience. The parties explain that the act of inhaling an electronic cigarette triggers a vaporizing process that releases simulated smoke in the form of a vapor mist that evaporates. Many electronic cigarettes contain components such as cartridges, atomizers, and electronic batteries with small light-emitting diodes attached that resemble the lit end of a tobacco cigarette. The parties further note that the atomizer acts as a heating element that vaporizes the contents of the cartridge. S.B. 96 seeks to include e-cigarettes among the products for which the use or possession is prohibited at school-related or school-sanctioned activities on or off school property.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 96 amends the Education Code to add smoking, using, and student possession of e-cigarettes at a school-related or school-sanctioned activity on or off school property to the conduct a school district board of trustees is required to prohibit. The bill adds a statement of whether a district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes to the statements a school district is required to publish in the student handbook and post on the district's website, if the district has a website. The bill defines "e-cigarette" as an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The bill excludes from the term a prescription medical device unrelated to the cessation of smoking but includes in the term a device regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory of the device, regardless of whether the component, part, or accessory is sold separately from the device.

### **EFFECTIVE DATE**

September 1, 2015.