

By: Hinojosa, et al.
(Gutierrez)

S.B. No. 96

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the use and possession of e-cigarettes on school property or at school-related or school-sanctioned activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.004(k), Education Code, is amended to read as follows:

(k) A school district shall publish in the student handbook and post on the district's Internet website, if the district has an Internet website:

(1) a statement of the policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Section 28.002(1);

(2) a statement of:

(A) the number of times during the preceding year the district's school health advisory council has met;

(B) whether the district has adopted and enforces policies to ensure that district campuses comply with agency vending machine and food service guidelines for restricting student access to vending machines; and

(C) whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined by Section 38.006, and tobacco products by

1 students and others on school campuses or at school-sponsored or
2 school-related activities; and

3 (3) a statement providing notice to parents that they
4 can request in writing their child's physical fitness assessment
5 results at the end of the school year.

6 SECTION 2. Section 38.006, Education Code, is amended to
7 read as follows:

8 Sec. 38.006. E-CIGARETTES AND TOBACCO PRODUCTS ON SCHOOL
9 PROPERTY. (a) In this section, "e-cigarette" means an electronic
10 cigarette or any other device that simulates smoking by using a
11 mechanical heating element, battery, or electronic circuit to
12 deliver nicotine or other substances to the individual inhaling
13 from the device. The term does not include a prescription medical
14 device unrelated to the cessation of smoking. The term includes:

15 (1) a device described by this subsection regardless
16 of whether the device is manufactured, distributed, or sold as an
17 e-cigarette, e-cigar, or e-pipe or under another product name or
18 description; and

19 (2) a component, part, or accessory of the device,
20 regardless of whether the component, part, or accessory is sold
21 separately from the device.

22 (b) The board of trustees of a school district shall:

23 (1) prohibit smoking or using e-cigarettes or tobacco
24 products at a school-related or school-sanctioned activity on or
25 off school property;

26 (2) prohibit students from possessing e-cigarettes or
27 tobacco products at a school-related or school-sanctioned activity

1 on or off school property; and

2 (3) ensure that school personnel enforce the policies
3 on school property.

4 SECTION 3. This Act takes effect September 1, 2015.