

By: Hinojosa

S.B. No. 96

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a prohibition on the use and possession of vapor
3 products on school property.

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

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

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

14 (2) a statement of:

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

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

21 (C) whether the district has adopted and enforces
22 policies and procedures that prescribe penalties for the use of
23 vapor products, as defined by Section 38.006, and tobacco products
24 by students and others on school campuses or at school-sponsored or

1 school-related activities; and

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

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

7 Sec. 38.006. VAPOR PRODUCTS AND TOBACCO PRODUCTS ON SCHOOL
8 PROPERTY. (a) In this section, "vapor product" means:

9 (1) an electronic cigarette or any other device that
10 uses a mechanical heating element, battery, or electronic circuit
11 to deliver vapor that may include nicotine to the individual
12 inhaling from the device; or

13 (2) any substance used to fill or refill an electronic
14 cigarette or other device described by Subdivision (1).

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

16 (1) prohibit smoking or using vapor products or
17 tobacco products at a school-related or school-sanctioned activity
18 on or off school property;

19 (2) prohibit students from possessing vapor products
20 or tobacco products at a school-related or school-sanctioned
21 activity on or off school property; and

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

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