

BILL ANALYSIS

Senate Research Center
84R8444 SCL-D

S.B. 706
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The use of reusable electronic cigarettes, also known as personal vaporizers and electronic liquid nicotine delivery devices, has grown rapidly in recent years. Many of these devices allow for refillable cartridges of liquids that, when heated in the device, produce vapor that is inhaled. Consumers can personalize the amount of nicotine and flavor in the liquid.

The American Academy of Pediatrics considers liquid nicotine a highly toxic substance that can prove fatal to small children, with as little as a few drops, when ingested or absorbed by the skin. This is especially problematic when considering that the flavoring of these liquid solutions are often associated with sweet candy-like flavors and coloring that may attract younger children.

The Texas Poison Control Center Network has reported 539 calls related to exposures of e-cigarette devices and liquid nicotine since recordkeeping of this specific type of exposure began in 2009. Over half of these calls dealt with exposures to children five years and younger. The country also suffered its first death related to liquid nicotine late last year when a one-year-old child tragically drank liquid nicotine from a bottle without a childproof cap.

Over 200 of the reported calls were related to adults 20 years and older. Exposure can cause burning of the throat and mouth, abdominal pains, nausea, vomiting, and diarrhea according to the United States Centers for Disease Control and Prevention.

S.B. 706 would require child-proof packaging of substances which may contain liquid nicotine in order to prevent potentially lethal exposure to children. S.B. 706 would also require labeling to inform users of the dangers involved in using or handling the substance. S.B. 706 further directs the Department of State Health Services to adopt and enforce rules ensuring proper labeling and packaging of hazardous liquid nicotine substances, and directs manufacturers and importers to register distribution of these substances with the state.

As proposed, S.B. 706 amends current law relating to classification of a liquid substance used to fill an electronic cigarette as a hazardous substance.

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 501.002(a), Health and Safety Code, to include among the definitions of a hazardous substance a liquid substance used to fill or refill a device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to an individual inhaling from the device. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2015.