

By: Gutierrez

H.B. No. 456

Substitute the following for H.B. No. 456:

By: Aycock

C.S.H.B. No. 456

A BILL TO BE ENTITLED

1

AN ACT

2 relating to a prohibition on the use and possession of e-cigarettes  
3 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:

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

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

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

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

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

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

25 (2) prohibit students from possessing e-cigarettes or  
26 tobacco products at a school-related or school-sanctioned activity  
27 on or off school property; and

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

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