

By: Gutierrez

H.B. No. 456

A BILL TO BE ENTITLED

AN ACT

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

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 vapor products, as defined by Section 38.006, and tobacco products 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.