

PUBLIC COMMENTS

SB 248

HOUSE COMMITTEE ON WAYS & MEANS

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Hearing Date: May 3, 2021 10:00 AM - or upon final adjourn./recess or bill referral if permission granted

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Alec Puente

American Heart Association

Austin, TX

Since 1924, the American Heart Association has been committed to reducing cardiovascular disease and improving the health of all Americans by funding innovative medical research, educating the public about healthy living, fostering improvements in cardiac and stroke care, and fighting for strong public health policies.

Currently, Texas has a program in place to license tobacco retailers and a searchable database to list and track those retailers. Unfortunately, there is no such system for e-cigarette retailers or vape shops that solely sell e-cigarette products. This is a problem, as Texans under 18 are nearly twice as likely to obtain e-cigarettes from a vape shop than a gas station, according to the Senate HHS interim report on e-cigarette use. As the report also states, the Comptroller of Public Accounts has attempted to identify these stores using keyword searches but admits “there are likely to be a large number of locations unknown to the CPA.” This is a rapidly evolving market – for instance, in 2019, only 2.4% of high school regular users reported using disposable products, compared to 26.5% just a year later in 2020. A Ten-fold increase in use of one product shows the speed with which the market is changing, and Texas must update its laws to keep pace.

The AHA supports SB 248 because it will greatly strengthen the permitting system for tobacco retailers to ensure they comply with laws against selling to minors. Under current law, no tobacco retailers in Texas have ever had their permit suspended. SB 248 will also dedicate a significant portion of permit fees to enforcement, and also include e-cigarettes in the new system. These changes will give the state access to important data about the number and locations of e-cigarette retailers, which is severely lacking. In the future, the AHA urges legislators to consider making compliance checks for every retailer a regular and consistent part of Texas's approach to tobacco enforcement. We hope you will take the necessary steps this session to ensure Texas addresses the rise of e-cigarette use by supporting SB 248.

Aschelle Morgan, Ms.

Preventing Tobacco Addiction Foundation

Dallas, TX

For more than two decades, the Preventing Tobacco Addiction Foundation has worked nationwide to raise the minimum legal sales age for all tobacco and nicotine products to 21 and champion strong tobacco retail enforcement policies to ensure dangerous products stay out of the hands of youth. It is for that reason that we are encouraged by SB 248 as it will greatly strengthen the permitting system for tobacco retailers to ensure they comply with laws against selling to minors. Under current law, no tobacco retailer in Texas has ever had their permit suspended. In addition, SB 248 will update current practice to dedicate permit fees to enforcement, and also include e-cigarettes in the new system. These changes will provide the state access to vital data about the number and locations of e-cigarette retailers, to empower the state to know where and who is selling. In addition to these great steps forward, PTAF also urges legislators to consider making annual compliance checks for every retailer a regular and consistent part of Texas's approach to tobacco enforcement. We hope you will take the necessary steps this session to ensure Texas addresses the rise of e-cigarette use by supporting SB 248.

Jessica Schleifer

Teaching Hospitals of Texas

Austin, TX

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Registering in support of SB 248.

Charlie Gagen  
American Lung Association  
AUSTIN, TX

The American Lung Association strongly supports SB 248.

Texas has the tools to aggressively fight e-cigarette use, but they must be activated. Currently, Texas has a program in place to license tobacco retailers and a searchable database to list and track those retailers. Unfortunately, there is no system for e-cigarette retailers or vape shops that solely sell e-cigarette products. This is a problem, as Texans under 18 are nearly twice as likely to obtain e-cigarettes from a vape shop than a gas station, according to the Senate HHS interim report on e-cigarette use. As the interim report also states, the CPA has attempted to identify these stores using keyword searches but admits “there are likely to be a large number of locations unknown to the CPA.”

SB 248 also updates the definitions of e-cigarettes and vaping products. This is a rapidly evolving market – for instance, in 2019, only 2.4% of high school regular users reported using disposable products. That compares to 26.5% just a year later in 2020. A ten-fold increase in the youth use of one product in a year shows the speed with which the market is changing, and Texas must update its laws to keep pace with that market.

Lastly, SB 248 greatly improves the state’s ability to penalize retailers who sell to minors. Under current law, no tobacco retailers in Texas have ever had their permit suspended. To have their permit suspended a tobacco retailer would have to receive three violations in a 12-month period. Texas has more than 30,000 known tobacco retailers, and in the last year conducted only around 20,000 compliance checks. That is not enough to ensure compliance in a state the size of Texas. This bill greatly improves that structure by doubling the amount of time during which violations may accrue, and doubles the monetary penalty retailers face. This will greatly increase the chances that retailers selling to minors will be held accountable.

We thank Rep. Thierry and Sen. Johnson for their leadership on this issue.