

By: Thompson of Brazoria

H.B. No. 114

A BILL TO BE ENTITLED

AN ACT

relating to the possession of e-cigarettes on public school property or at certain school events; creating a criminal offense.

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

SECTION 1. Section 38.006, Education Code, is amended by adding Subsection (c) to read as follows:

(c) If a school administrator, school resource officer, or school district peace officer observes the use or possession of an e-cigarette by a student on school property or at a school-related or school-sanctioned activity on or off school property, the administrator or officer may:

(1) confiscate and dispose of the e-cigarette; and

(2) notify the appropriate local law enforcement agency of the student's conduct constituting an offense under Section 38.0065 of this code, Section 161.252, Health and Safety Code, or Section 48.01, Penal Code.

SECTION 2. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0065 to read as follows:

Sec. 38.0065. POSSESSION OF FIVE OR MORE E-CIGARETTES ON SCHOOL PROPERTY; CRIMINAL OFFENSE. (a) In this section, "e-cigarette" has the meaning assigned by Section 161.081, Health and Safety Code.

(b) A person commits an offense if the person possesses five or more e-cigarettes on school property or at a school-related or

1 school-sanctioned activity on or off school property.

2 (c) An offense under this section is a Class B misdemeanor.

3 SECTION 3. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect on the date the offense was committed,
7 and the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 4. This Act takes effect September 1, 2023.