

BILL ANALYSIS

S.B. 2024
By: Perry
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law prohibits the sale of vape pens and other e-cigarette products to individuals younger than 21 years of age. However, the bill sponsor has informed the committee that in recent years vape pen companies have continued to deliberately target minors, and bad actors have now begun disguising vape pens as other products, like school supplies and office supplies, in a deliberate attempt to help minors hide that they are using a vape pen. S.B. 2024 seeks to address this issue by banning e-cigarette products that are disguised as other products, including school supplies, office supplies, smart phones or smart watches, headphones, clothing, backpacks, cosmetics, and toys. The bill also bans e-cigarette products that are manufactured in China or contain certain other intoxicating substances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2024 amends the Health and Safety Code to make it a Class B misdemeanor offense for a person to market, advertise, sell, or cause to be sold an e-cigarette product that meets any of the following criteria:

- is in a product container that includes a name of a celebrity;
- is in a product shape or design disguised to appear as an alternative product, including a product in the shape or design of:
 - a school or office supply, such as a highlighter, marker, ink pen, or pencil;
 - a smart phone, smart watch, smart phone case, or smart watch case;
 - headphones, including ear buds;
 - clothing;
 - a backpack;
 - a cosmetic, including lipstick; or
 - a toy;
- was manufactured in China; or
- contains or is mixed with any cannabinoids, alcohol, kratom, kava, mushrooms, or a derivative of any of those items.

The bill changes the definition of "e-cigarette product" that applies to these offenses and existing offenses related to prohibited e-cigarette products from any substance containing nicotine from

any source that is intended for use in an e-cigarette to any substance intended for use in an e-cigarette, regardless of whether the substance contains nicotine.

S.B. 2024 also revises the definition of "e-cigarette" that applies to provisions governing the distribution of such products by clarifying that a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other applicable device is included in the term regardless of whether the liquid solution or material contains nicotine.

S.B. 2024 applies only to an offense committed on or after the bill's effective date. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.