

BILL ANALYSIS

Senate Research Center
89R15189 MCF-F

S.B. 2024
By: Perry
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, vape pen companies have continued to deliberately target minors. The legislature has banned marketing vape pens to minors and selling vape pens to minors, but some of these companies continue to pursue customers under the age of 21. 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. There is zero need for a person who is legally allowed to purchase a vape pen to want to disguise that the product is a vape pen.

The proposed legislation seeks to ban vape pens that are disguised as other products, including school supplies, office supplies, smart phones or smart watches, headphones, clothing, backpacks, cosmetics, and toys. Additionally, the bill bans vape pens that were manufactured in China. Unfortunately, Chinese vape pen manufacturers routinely produce products that are dangerous to human health, and many times customers do not know what substances are in vape pens that were manufactured in China.

As proposed, S.B. 2024 amends current law relating to a prohibition on marketing, advertising, or selling certain e-cigarette products and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.0876(b), Health and Safety Code, as follows:

(b) Provides that a person commits an offense if the person markets, advertises, sells, or causes to be sold an e-cigarette product:

- (1) creates this subdivision from existing text and makes nonsubstantive changes;
- (2) in a product shape or design disguised to appear as an alternative product, including a product in the shape or design of certain objects; or
- (3) that was manufactured in China.

Makes a nonsubstantive change to this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.