

RYAN GUILLEN

★
TEXAS STATE REPRESENTATIVE

E-CIGARETTE BAN FOR MINORS

SERIES I, VOL. 1

NOVEMBER 2015

KEY FACTS

- ◆ SB 97 became effective on October 1, 2015.
- ◆ SB 97 would not have a significant fiscal impact to the state.
- ◆ SB 97 has no significant fiscal impact on the state. All of the affected agencies expect that any costs related to the implementation of this bill should be absorbed within existing resources.

SB 97 (84R) banned the sale, distribution and use of e-cigarettes by minors.

ISSUE BACKGROUND

Texas law currently does not regulate the sale, possession, or use of electronic cigarettes (E-cigs) by minors. E-cigs are commercially available battery operated devices used to deliver flavored nicotine in vapor rather than smoke. There are many different brands on the market, and they are growing in popularity among adolescents. In 2014, two million high school students used E-cigs. They are not marketed as tobacco products, nor are the various nicotine liquids within them regulated, so E-cigs are legal and easy to obtain by minors. These products are relatively new and changing rapidly, so reliable information about their safety is hard to find. They do contain nicotine, however, which is a highly addictive drug, and the U.S. Department of Health and Human Services has found evidence of other carcinogens and toxic chemicals in the vapor. Some models of E-cigs contain refillable cartridges for different flavors of vapor that could possibly be filled with other dangerous drugs. Recognizing the increasing popularity of e-cigarettes among teenagers as well as the

potential health risks, lawmakers passed Senate Bill 97 to restrict their accessibility to minors.

DIGEST

SB 97 regulates E-cigs similarly to regular tobacco cigarettes. It makes the possession or possession of an E-cig part, purchase, or smoking of an E-cig by a minor an offense. The bill also makes the sale of an E-cig (or part) illegal to a minor. SB 97 prohibits the sale of liquid nicotine containers unless they are sealed and not intended to be refilled once opened. E-cigs will also be part of Texas' Tobacco Awareness program in which minors convicted of possessing, purchasing, or smoking an E-cig can have their record expunged by completing the program. E-cigs will also be subject to the same shipping regulations as tobacco products. An individual is not allowed to ship E-cigs unless he/she verifies the purchaser's age through an identity verification database and requires that the delivery method include an adult signature.

FOR AND AGAINST

Supporters contend that E-cigs are an attempt at "re-normalization" of cigarette use, and although not proven as dangerous as cigarettes, they are not safe either and can lead to cigarette use.

CONTACT

SARAH CHACKO

Email: District31.Guillen@house.state.tx.us