

1-1 By: Hinojosa, Garcia S.B. No. 96
 1-2 (In the Senate - Filed November 10, 2014; January 26, 2015,
 1-3 read first time and referred to Committee on Education;
 1-4 March 23, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 1; March 23, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|-------------------------|-----|-----|--------|-----|
| 1-8 Taylor of Galveston | X | | | |
| 1-9 Lucio | X | | | |
| 1-10 Bettencourt | X | | | |
| 1-11 Campbell | X | | | |
| 1-12 Garcia | X | | | |
| 1-13 Huffines | | X | | |
| 1-14 Kolthorst | X | | | |
| 1-15 Rodríguez | X | | | |
| 1-16 Seliger | X | | | |
| 1-17 Taylor of Collin | X | | | |
| 1-18 West | X | | | |

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 96 By: West

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to a prohibition on the use and possession of e-cigarettes
 1-24 on school property or at school-related or school-sanctioned
 1-25 activities.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 28.004(k), Education Code, is amended to
 1-28 read as follows:

1-29 (k) A school district shall publish in the student handbook
 1-30 and post on the district's Internet website, if the district has an
 1-31 Internet website:

1-32 (1) a statement of the policies adopted to ensure that
 1-33 elementary school, middle school, and junior high school students
 1-34 engage in at least the amount and level of physical activity
 1-35 required by Section 28.002(1);

1-36 (2) a statement of:
 1-37 (A) the number of times during the preceding year
 1-38 the district's school health advisory council has met;

1-39 (B) whether the district has adopted and enforces
 1-40 policies to ensure that district campuses comply with agency
 1-41 vending machine and foodservice guidelines for restricting student
 1-42 access to vending machines; and

1-43 (C) whether the district has adopted and enforces
 1-44 policies and procedures that prescribe penalties for the use of
 1-45 e-cigarettes, as defined by Section 38.006, and tobacco products by
 1-46 students and others on school campuses or at school-sponsored or
 1-47 school-related activities; and

1-48 (3) a statement providing notice to parents that they
 1-49 can request in writing their child's physical fitness assessment
 1-50 results at the end of the school year.

1-51 SECTION 2. Section 38.006, Education Code, is amended to
 1-52 read as follows:

1-53 Sec. 38.006. E-CIGARETTES AND TOBACCO PRODUCTS ON SCHOOL
 1-54 PROPERTY. (a) In this section, "e-cigarette" means an electronic
 1-55 cigarette or any other device that simulates smoking by using a
 1-56 mechanical heating element, battery, or electronic circuit to
 1-57 deliver nicotine or other substances to the individual inhaling
 1-58 from the device. The term does not include a prescription medical
 1-59 device unrelated to the cessation of smoking. The term includes:

1-60 (1) a device described by this subsection regardless

2-1 of whether the device is manufactured, distributed, or sold as an
2-2 e-cigarette, e-cigar, or e-pipe or under another product name or
2-3 description; and

2-4 (2) a component, part, or accessory of the device,
2-5 regardless of whether the component, part, or accessory is sold
2-6 separately from the device.

2-7 (b) The board of trustees of a school district shall:

2-8 (1) prohibit smoking or using e-cigarettes or tobacco
2-9 products at a school-related or school-sanctioned activity on or
2-10 off school property;

2-11 (2) prohibit students from possessing e-cigarettes or
2-12 tobacco products at a school-related or school-sanctioned activity
2-13 on or off school property; and

2-14 (3) ensure that school personnel enforce the policies
2-15 on school property.

2-16 SECTION 3. This Act takes effect September 1, 2015.

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