

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**February 27, 2015**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB97 by Hinojosa ( relating to regulation of the sale, distribution, possession, use, and advertising of e-cigarettes; creating offenses.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 161, Health and Safety Code and Chapter 48, Penal Code to treat e-cigarettes in the same manner as cigarettes as they relate to distribution, advertising, use by minors, prevention of use by minors, delivery sales, and use in public places. The Department of State Health Services indicates any cost to implement provisions of the bill relating to distribution, use by minors, or prevention of use by minors would be minimal and can be absorbed within available resources. The Comptroller of Public Accounts indicates that the bill would have no significant fiscal impact.

**Local Government Impact**

The bill would modify Class C misdemeanor offenses. A Class C misdemeanor is punishable by a fine of not more than \$500. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact. In addition to the fine, punishment can include up to 180 days of deferred disposition.

**Source Agencies:** 304 Comptroller of Public Accounts, 537 State Health Services, Department of, 701 Central Education Agency

**LBB Staff:** UP, NB, WP, ADe, VJC, KVe