

BILL ANALYSIS

C.S.H.B. 900
By: Israel
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that children may be especially susceptible to the negative effects of exposure to secondhand smoke and thirdhand smoke, including respiratory illnesses, infections, and death. C.S.H.B. 900 seeks to address this issue by requiring a person who pleads guilty or is convicted of certain offenses to pay a fine if the offense was committed while the person possesses a burning tobacco product or smokes tobacco in a vehicle where certain children are present.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

C.S.H.B. 900 amends the Transportation Code to require a person who enters a plea of guilty or nolo contendere to or is convicted of an offense under statutory provisions relating to rules of the road, as prescribed by a judge, either to pay, in addition to other applicable fines, a fine of \$15 or to complete a parenting class approved by the judge if the offense is committed while:

- the person possesses a burning tobacco product or smokes tobacco in a vehicle; and
- a child is present in the vehicle who is required to be secured in a child passenger safety seat system during operation of the vehicle.

C.S.H.B. 900 amends the Health and Safety Code to require information stating that a person is subject to that fine for smoking tobacco in a passenger vehicle with a child present to be included in a resource pamphlet provided to a pregnant woman during gestation or at delivery of an infant and to the father or another adult caregiver for the infant.

C.S.H.B. 900 requires the Department of State Health Services (DSHS), not later than December 1, 2019, to make the required informational materials available on the DSHS website. The bill expressly does not require a facility to comply with the requirement to provide a pamphlet with the information required by the bill's provisions until January 1, 2020.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 900 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement for a person who pleads guilty or is convicted of certain offenses to pay a fine or attend a parenting class if the offense was committed while the person possessed a burning tobacco product or smoked tobacco in the vehicle and a child was present in the vehicle.

The substitute includes a requirement that a woman during gestation or delivery of an infant and a father or another adult caregiver of the infant receive information concerning that fine in a resource pamphlet provided by a hospital, birthing center, physician, nurse midwife, or midwife.

The substitute includes a requirement for DSHS to make the informational material available on the DSHS website.

The substitute does not include a provision making a person liable for a civil penalty if the person possesses burning tobacco or smokes tobacco in a vehicle and a child is present in the vehicle. The substitute does not include an authorization for the attorney general to sue to collect the civil penalty. The substitute does not include an authorization for a judge to reduce the civil penalty if the person completes a parenting class.

The substitute does not include a prohibition against a peace officer stopping or detaining a person for the sole purpose of determining whether the person may be liable for the civil penalty.