

BILL ANALYSIS

Senate Research Center
81R1190 ALB-D

S.B. 1049
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Health & Human Services
3/27/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2004, 22 percent of high school students and more than eight percent of middle school students were smokers; more than 90 percent of smokers began smoking before the age of 21. Smoking has been linked to increased risks for heart disease, cancer, emphysema, strokes, and many other preventable illnesses. The costs of tobacco-related ailments in terms of health care costs is staggering.

As proposed, S.B. 1049 provides that the definition of a minor is a person under 19 years of age and provides that a person commits an offense if they sell, or cause to be sold or given, a cigarette or tobacco product to someone who is younger than 19 years of age.

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 161.081, Health and Safety Code, by adding Subdivision (1-a), to define "minor."

SECTION 2. Amends the heading to Section 161.082, Health and Safety Code, to read as follows:

Sec. 161.082. SALE OF CIGARETTES OR TOBACCO PRODUCTS TO PERSONS YOUNGER THAN 19 YEARS OF AGE PROHIBITED; PROOF OF AGE REQUIRED.

SECTION 3. Amends Sections 161.082(a) and (e), Health and Safety Code, as follows:

(a) Provides that a person commits an offense if the person, with criminal negligence sells, gives, or causes to be sold or given a cigarette or tobacco product to someone who is younger than 19, rather than 18, years of age. Makes a conforming change.

(e) Makes a conforming change.

SECTION 4. Amends Section 161.084(b), Health and Safety Code, to require that a sign include the statement: PURCHASING OR ATTEMPTING TO PURCHASE TOBACCO PRODUCTS BY A MINOR UNDER 19, rather than 18, YEARS OF AGE IS PROHIBITED BY LAW. Makes a conforming change.

SECTION 5. Amends Sections 161.085(a) and (b), Health and Safety Code, as follows:

(a) Requires each retailer to notify each individual employed by that retailer who is to be engaged in retail sales of cigarettes or tobacco products that state law prohibits the sale or distribution of cigarettes or tobacco products to any person who is younger than 19, rather than 18, years of age as provided by Section 161.082 and that a violation of that section is a Class C misdemeanor.

(b) Requires that the notice required by this section, rather than Subsection (a), be provided within 72 hours of the date an individual begins to engage in retail sales of tobacco products. Makes a conforming change.

SECTION 6. Amends Section 161.086(b), Health and Safety Code, to make a conforming change.

SECTION 7. Amends Sections 161.087(a) and (b), Health and Safety Code, to make conforming changes.

SECTION 8. Amends Sections 161.088(b) and (d), Health and Safety Code, as follows:

(b) Authorizes the comptroller of public accounts to make block grants to counties and municipalities to be used by local law enforcement agencies to enforce this subchapter in a manner that can reasonably be expected to reduce the extent to which cigarettes and tobacco products are sold or distributed to persons who are younger than 19, rather than 18, years of age.

(d) Makes a conforming change.

SECTION 9. Amends Section 161.251, Health and Safety Code, by adding Subdivision (1-a), to define "minor."

SECTION 10. Amends Sections 161.252(a)-(c), Health and Safety Code, as follows:

(a) Provides that an individual who is younger than 19, rather than 18 years of age, commits an offense if the individual falsely represents himself or herself to be 19, rather than 18, years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette or tobacco product.

(b)-(c) Makes conforming changes.

SECTION 11. Amends Section 161.452(b), Health and Safety Code, to delete existing text requiring a person taking a delivery sale order to comply with the shipping requirements prescribed by Section 161.455 (Shipping Requirements). Makes nonsubstantive changes.

SECTION 12. Amends Section 161.453(a), Health and Safety Code, to make a conforming change.

SECTION 13. Repealer: Section 161.455, Health and Safety Code.

SECTION 14. (a) Makes application of this Act prospective.

(b) Provides that an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 15. Effective date: September 1, 2009.