

By: Shaheen

H.B. No. 2118

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the advertising of e-cigarettes in certain locations; imposing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter K, Chapter 161, Health and Safety Code, is amended to read as follows:

SUBCHAPTER K. PROHIBITION OF CERTAIN CIGARETTE, E-CIGARETTE, OR TOBACCO PRODUCT ADVERTISING; FEE

SECTION 2. Section 161.121, Health and Safety Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "E-cigarette" has the meaning assigned by Section 161.081.

SECTION 3. Sections 161.122(a), (b), and (e), Health and Safety Code, are amended to read as follows:

(a) Except as provided by this section, a sign containing an advertisement for cigarettes, e-cigarettes, or tobacco products may not be located closer than 1,000 feet to a church or school.

(b) The measurement of the distance between the sign containing an advertisement for cigarettes, e-cigarettes, or tobacco products and an institution listed in Subsection (a) is from the nearest property line of the institution to a point on a street or highway closest to the sign, along street lines and in direct lines across intersections.

(e) Subsection (a) does not apply to a sign containing an

1 advertisement for cigarettes, e-cigarettes, or tobacco products
2 that, before September 1, 1997, was located closer than 1,000 feet
3 to a church or school but that was not located closer than 500 feet
4 to the church or school.

5 SECTION 4. Section 161.123(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) A purchaser of advertising is liable for and shall remit
8 to the comptroller a fee that is 10 percent of the gross sales price
9 of any outdoor advertising of cigarettes, e-cigarettes, and tobacco
10 products in this state.

11 SECTION 5. This Act takes effect September 1, 2023.