

AN ACT

relating to a prohibition on certain e-cigarette products; creating a criminal offense.

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

SECTION 1. This Act may be cited as the Protecting Children from Electronic Cigarette Advertising Act.

SECTION 2. Subchapter H, Chapter 161, Health and Safety Code, is amended by adding Section 161.0876 to read as follows:

Sec. 161.0876. PROHIBITED E-CIGARETTE PRODUCTS. (a) For purposes of this section, "e-cigarette product" includes any substance containing nicotine from any source that is intended for use in an e-cigarette.

(b) A person commits an offense if the person markets, advertises, sells, or causes to be sold an e-cigarette product, if the product's container:

(1) depicts a cartoon-like fictional character that mimics a character primarily aimed at entertaining minors;

(2) imitates or mimics trademarks or trade dress of products that are or have been primarily marketed to minors;

(3) includes a symbol that is primarily used to market products to minors;

(4) includes an image of a celebrity; or

(5) includes an image that resembles a food product, including candy or juice.

1 (c) An offense under this section is a Class B misdemeanor.

2 SECTION 3. This Act takes effect January 1, 2024.

President of the Senate

Speaker of the House

I certify that H.B. No. 4758 was passed by the House on May 6, 2023, by the following vote: Yeas 113, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4758 on May 25, 2023, by the following vote: Yeas 123, Nays 18, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4758 was passed by the Senate, with amendments, on May 23, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor