

By: Thierry

H.B. No. 4758

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on certain e-cigarette containers.

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 CONTAINERS. A person may not sell or cause to be sold an e-cigarette container that:

(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 or celebrity image that is primarily used to market products to minors; or

(4) resembles a food product, including candy or juice.

SECTION 3. Notwithstanding Section 161.0876, Health and Safety Code, as added by this Act, a retailer is not required to comply with that section until January 1, 2024.

SECTION 4. This Act takes effect September 1, 2023.