

1-1 By: Thierry, et al. (Senate Sponsor - Springer) H.B. No. 4758
 1-2 (In the Senate - Received from the House May 8, 2023;
 1-3 May 10, 2023, read first time and referred to Committee on Health &
 1-4 Human Services; May 21, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 21, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to a prohibition on certain e-cigarette products; creating
 1-20 a criminal offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. This Act may be cited as the Protecting Children
 1-23 from Electronic Cigarette Advertising Act.

1-24 SECTION 2. Subchapter H, Chapter 161, Health and Safety
 1-25 Code, is amended by adding Section 161.0876 to read as follows:

1-26 Sec. 161.0876. PROHIBITED E-CIGARETTE PRODUCTS. (a) A
 1-27 person commits an offense if the person markets, advertises, sells,
 1-28 or causes to be sold an e-cigarette product, if the product's
 1-29 container:

1-30 (1) depicts a cartoon-like fictional character that
 1-31 mimics a character primarily aimed at entertaining minors;

1-32 (2) imitates or mimics trademarks or trade dress of
 1-33 products that are or have been primarily marketed to minors;

1-34 (3) includes a symbol that is primarily used to market
 1-35 products to minors;

1-36 (4) includes an image of a celebrity; or

1-37 (5) includes an image that resembles a food product,
 1-38 including candy or juice.

1-39 (b) An offense under this section is a Class B misdemeanor.

1-40 SECTION 3. This Act takes effect January 1, 2024.

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