

Amend **CSHB 9** (committee printing) on page 9 by striking lines 3-10 and substituting the following:

Sec. 169.011. APPLICABILITY; CONSTRUCTION. (a) Except as provided by Subsection (b), this chapter preempts and supersedes a local ordinance, rule, or regulation adopted by any political subdivision that restricts or prohibits smoking to a lesser degree than this chapter.

(b) This chapter does not preempt or supersede a local ordinance, rule, or regulation adopted by a political subdivision with a population of fewer than 50,000 people that prohibits or restricts smoking to a lesser degree than this chapter if the local ordinance, rule, or regulation was adopted by a political subdivision before September 1, 2007.

(c) Subsection (a) does not prohibit the adoption by a political subdivision, after September 1, 2007, of a local ordinance, rule, or regulation that prohibits or restricts smoking to a greater degree than this chapter.

(d) This chapter shall not be construed to permit smoking where it is restricted by other law.

(e) This chapter does not preempt or supersede Section 38.006, Education Code.