

By: Cain

H.B. No. 1348

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county or municipality to adopt or enforce a smoking ban on the premises of certain businesses.

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

SECTION 1. Section 161.089, Health and Safety Code, is amended to read as follows:

Sec. 161.089. [~~PREEMPTION OF~~] LOCAL LAW NOT PREEMPTED; EXCEPTION. (a) Except as provided by Subsection (b), this ~~[This]~~ subchapter does not preempt a local regulation of the sale, distribution, or use of cigarettes or tobacco products or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the sale, distribution, or use of cigarettes or tobacco products if the regulation, ordinance, or requirement:

(1) is compatible with and equal to or more stringent than a requirement prescribed by this subchapter; or

(2) relates to an issue that is not specifically addressed by this subchapter or Chapter 154 or 155, Tax Code.

(b) A county or municipality may not adopt or enforce an order, ordinance, or similar measure that prohibits smoking on the premises of a business that allows smoking and for which at least 20 percent of the business's revenue is derived from the sale of cigars or other tobacco products.

SECTION 2. This Act takes effect immediately if it receives

H.B. No. 1348

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2017.