

By: Uresti

S.B. No. 228

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a municipality to limit the
3 possession, purchase, consumption, sale, distribution, or receipt
4 of cigarettes, e-cigarettes, or tobacco products.

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

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

8 Sec. 161.089. PREEMPTION OF LOCAL LAW. (a) This subchapter
9 does not preempt a local regulation of the sale, distribution, or
10 use of cigarettes or tobacco products or affect the authority of a
11 political subdivision to adopt or enforce an ordinance or
12 requirement relating to the sale, distribution, or use of
13 cigarettes or tobacco products if the regulation, ordinance, or
14 requirement:

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

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

19 (b) Notwithstanding Subsection (a), a municipality may
20 adopt an ordinance prohibiting or limiting the sale or distribution
21 of cigarettes, e-cigarettes, or tobacco products to a person under
22 21 years of age. Sections 161.088 and 161.090 do not apply to the
23 enforcement of an ordinance adopted as described by this
24 subsection.

1 SECTION 2. Subchapter N, Chapter 161, Health and Safety
2 Code, is amended by adding Section 161.258 to read as follows:

3 Sec. 161.258. LOCAL REGULATION OF CIGARETTES,
4 E-CIGARETTES, OR TOBACCO PRODUCTS. (a) A municipality may adopt an
5 ordinance prohibiting or limiting the possession, purchase,
6 consumption, or receipt of cigarettes, e-cigarettes, or tobacco
7 products by a person under 21 years of age.

8 (b) Sections 161.252-161.257 do not apply to the
9 enforcement of an ordinance adopted as described by this section.

10 SECTION 3. The change in law made by this Act applies only
11 to an ordinance adopted on or after the effective date of this Act.
12 An ordinance adopted before the effective date of this Act is
13 governed by the law in effect on the date the ordinance was adopted,
14 and the former law is continued in effect for that purpose.

15 SECTION 4. This Act takes effect September 1, 2017.