

By: Thierry, Anderson, Slawson, et al.

H.B. No. 4758

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a prohibition on certain e-cigarette products; creating
3 a criminal offense.

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

5 SECTION 1. This Act may be cited as the Protecting Children
6 from Electronic Cigarette Advertising Act.

7 SECTION 2. Subchapter H, Chapter 161, Health and Safety
8 Code, is amended by adding Section 161.0876 to read as follows:

9 Sec. 161.0876. PROHIBITED E-CIGARETTE PRODUCTS. (a) A
10 person commits an offense if the person markets, advertises, sells,
11 or causes to be sold an e-cigarette product, if the product's
12 container:

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

15 (2) imitates or mimics trademarks or trade dress of
16 products that are or have been primarily marketed to minors;

17 (3) includes a symbol that is primarily used to market
18 products to minors;

19 (4) includes an image of a celebrity; or

20 (5) includes an image that resembles a food product,
21 including candy or juice.

22 (b) An offense under this section is a Class B misdemeanor.

23 SECTION 3. This Act takes effect January 1, 2024.