

House Bill 4758
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

Sec. 161.0876. PROHIBITED E-CIGARETTE PRODUCTS.

(a) A person commits an offense if the person markets, advertises, sells, or causes to be sold an e-cigarette product, if the product's container:

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

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

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

(4) includes an image of a celebrity; or

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

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

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

SENATE VERSION (IE)

SECTION 1. Same as House version.

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

Sec. 161.0876. PROHIBITED E-CIGARETTE PRODUCTS.

(a) For purposes of this section, "e-cigarette product" includes any substance containing nicotine from any source that is intended for use in an e-cigarette.

(b) A person commits an offense if the person markets, advertises, sells, or causes to be sold an e-cigarette product, if the product's container: [FA1(1)]

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

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

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

(4) includes an image of a celebrity; or

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

(c) An offense under this section is a Class B misdemeanor. [FA1(2)]

SECTION 3. Same as House version.

CONFERENCE