

Amend SB 2024 (house committee printing) as follows:

(1) On page 1, lines 16 and 17, strike "Sections 161.0876(a) and (b), Health and Safety Code, are" and substitute "Section 161.0876, Health and Safety Code, is".

(2) On page 1, strike lines 18 through 21, and substitute the following:

Sec. 161.0876. PROHIBITED E-CIGARETTE PRODUCTS. (a) For purposes of this section, "e-cigarette product" means a consumable liquid solution or other material aerosolized or vaporized for use in an e-cigarette or other device described by Section 161.081(1-a), regardless of whether the solution or material contains nicotine [~~includes any substance containing nicotine from any source that is intended for use in an e-cigarette~~].

(3) On page 1, strike line 23 and substitute the following: advertises, sells, offers for sale, or causes to be sold an e-cigarette or e-cigarette product:

(4) On page 2, strike line 19, and substitute "smart watch case, or flash drive;

(5) Strike page 2, line 25, through page 3, line 1, and substitute the following:

(3) that contains, is mixed with, or is marketed as containing or being mixed with any cannabinoids, alcohol, kratom, kava, mushrooms, or a derivative of any of those items; or

(4) that is not published on the list the comptroller maintains under Section 161.08761.

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

(6) On page 3, strike lines 2 through 9.

(7) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 161, Health and Safety Code, is amended by adding Section 161.08761 to read as follows:

Sec. 161.08761. MANUFACTURER CERTIFICATION; E-CIGARETTE LIST. (a) For purposes of this section, "e-cigarette product" means a consumable liquid solution or other material aerosolized or vaporized for use in an e-cigarette or other device described by Section 161.081(1-a), regardless of whether the solution or

material contains nicotine.

(b) Each manufacturer of e-cigarettes sold for retail sale, use, or consumption in this state, whether directly or through an importer, distributor, wholesaler, retailer, or similar intermediary, shall annually certify under penalty of perjury, on a form the comptroller prescribes, that:

(1) the manufacturer agrees to comply with this subchapter;

(2) the manufacturer holds for the manufacturer's e-cigarettes a marketing authorization or similar order issued by the United States Food and Drug Administration under 21 U.S.C. Section 387j; and

(3) the e-cigarette product is not wholly or partially manufactured in China.

(c) The comptroller shall publish and maintain on the comptroller's Internet website a current list of e-cigarettes for which a manufacturer has certified compliance under Subsection (b). The list must include for each certified e-cigarette a photograph of the front and back of the e-cigarette.

(d) The comptroller shall adopt rules necessary to implement this section, including rules for approving, registering, and publishing e-cigarettes in the list the comptroller maintains under Subsection (c).

SECTION _____. Notwithstanding Section 161.08761, Health and Safety Code, as added by this Act:

(1) the comptroller of public accounts is not required to publish and maintain the list of e-cigarettes required under that section until on and after November 1, 2025; and

(2) a manufacturer is not required to comply with Subsection (b) of that section or the rules the comptroller of public accounts adopts under Subsection (d) of that section until May 31, 2026.

SECTION _____. Sections 161.0876(b)(1), (2), and (3), Health and Safety Code, as added by this Act, apply only to an offense committed on or after September 1, 2025. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for

that purpose. For purposes of this section, an offense was committed before September, 1 2025, if any element of the offense occurred before that date.

SECTION _____. Section 161.0876(b)(4), Health and Safety Code, as added by this Act, applies only to an offense committed on or after May 31, 2026. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before May 31, 2026, if any element of the offense occurred before that date.