

BILL ANALYSIS

C.S.S.B. 464
By: Campbell
Intergovernmental Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that there has been a significant rise in e-cigarette use among youth and that this trend has been fueled by targeted marketing strategies and the proximity of vape retailers to schools, raising concerns about student health, addiction, and negative impacts on school environments. C.S.S.B. 464 seeks to address this issue and safeguard youth health and well-being by creating a Class A misdemeanor offense for a retailer who operates a retail establishment that sells cigarettes, e-cigarettes, vaping apparatuses, or tobacco products within 1,000 feet of a public or private primary or secondary school.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 464 amends the Health and Safety Code to create a Class A misdemeanor offense for a retailer who operates a retail establishment that sells cigarettes, e-cigarettes, vaping apparatuses, or tobacco products within 1,000 feet of a public or private primary or secondary school. The bill establishes that the distance between a retail establishment and a public or private school is measured as follows:

- in a direct line from the property line of the public or private school to the property line of the establishment and in a direct line across intersections; or
- for an establishment located on or above the fifth floor of a multistory building, in a direct line from the property line of the public or private school to the property line of the establishment, in a direct line across intersections, and in a vertical line from the building base at the property line to the base of the floor on which the establishment is located.

The bill defines "vaping apparatus" as a battery-operated or electronic device intended to deliver an aerosolized or vaporized substance to the individual inhaling from the device, including the following:

- an e-cigar, e-pipe, vape pen, or e-hookah;
- any component, part, or accessory of the device; and
- any liquid, solution, or substance intended to be aerosolized or vaporized by the device, regardless of whether the liquid, solution, or substance includes nicotine, flavoring, or other chemicals.

C.S.S.B. 464 requires the comptroller of public accounts to revoke a permit the comptroller issues under Health and Safety Code provisions relating to e-cigarette retailer permits or under Tax Code provisions relating to the cigarette tax or the cigars and tobacco products tax, as applicable, to a retailer who is convicted of an offense under the bill's provisions.

C.S.S.B. 464 expressly does not preempt a local regulation of the operation of a retail establishment selling cigarettes, e-cigarettes, vaping apparatuses, or tobacco products or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the operation of such an establishment if the regulation, ordinance, or requirement is compatible with or equal to or more stringent than a requirement prescribed by the bill's provisions. The bill exempts from its provisions an employee of a retailer.

C.S.S.B. 464 requires the comptroller to adopt rules authorizing a retailer whose permit is revoked under the bill's provisions to sell the retailer's remaining inventory of cigarettes, e-cigarettes, vaping apparatuses, or tobacco products to another retailer in lieu of the comptroller's seizure of the inventory.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 464 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes provisions that were not in the engrossed doing the following:

- establishing that the distance between a retail establishment and a public or private school is measured as follows:
 - in a direct line from the property line of the public or private school to the property line of the establishment and in a direct line across intersections; or
 - for an establishment located on or above the fifth floor of a multistory building, in a direct line from the property line of the public or private school to the property line of the establishment, in a direct line across intersections, and in a vertical line from the building base at the property line to the base of the floor on which the establishment is located; and
- requiring the comptroller to adopt rules authorizing a retailer whose permit is revoked under the bill's provisions to sell the retailer's remaining inventory of cigarettes, e-cigarettes, vaping apparatuses, or tobacco products to another retailer in lieu of the comptroller's seizure of the inventory.