

BILL ANALYSIS

Senate Research Center
89R3032 MCF-D

S.B. 464
By: Campbell
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Centers for Disease Control (CDC) and the Food and Drug Administration (FDA) report that 14.1 percent of high school students and 3.3 percent of middle school students used e-cigarettes in 2022, driven by targeted marketing and retailer proximity to schools, raising concerns about youth addiction and school environments. To address these risks, this legislation grants counties and municipalities the authority to prohibit e-cigarette retailers within 300 feet of public or private primary and secondary schools, limiting youth access and fostering healthier school settings.

Although recent data show a decline in usage, 5.9 percent of middle and high school students still reported current e-cigarette use in 2024 (CDC & FDA). The continued availability of flavored e-cigarettes and aggressive marketing near schools exacerbates public health risks, reinforcing the need for preventative measures. By restricting retailer locations, this legislation aims to curb youth vaping initiation, reduce exposure to harmful substances, and support safer learning environments.

Highlighted Provisions:

- Local zoning: counties and municipalities gain authority to prohibit e-cigarette retailers within 300 feet of schools.
- Retailer exemption: businesses with less than 50 percent e-cigarette sales are exempt, protecting certain retailers.
- Proximity-based prevention: the bill focuses on youth access by restricting retailers near school campuses.

1. Centers for Disease Control and Prevention (CDC). (2022). Tobacco Product Use and Associated Factors Among Middle and High School Students—National Youth Tobacco Survey, United States, 2022. *Morbidity and Mortality Weekly Report (MMWR)*, 71(40), 1276–1285.

2 U.S. Food and Drug Administration (FDA). (n.d.). Results from the Annual National Youth Tobacco Survey (NYTS). Retrieved from <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey>.

As proposed, S.B. 464 amends current law relating to county and municipal authority to prohibit the operation of e-cigarette retailers near primary or secondary schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 161, Health and Safety Code, by adding Section 161.0895, as follows:

Sec. 161.0895. LOCAL REGULATION OF E-CIGARETTE RETAILERS NEAR PRIMARY OR SECONDARY SCHOOL CAMPUSES. (a) Authorizes the commissioners court of a county, except as provided by Subsection (b), to adopt an order applicable to unincorporated areas of the county and authorizes the governing body of a municipality to adopt an ordinance applicable within the municipality prohibiting an e-cigarette retailer from operating within 300 feet of a public or private primary or secondary school campus.

(b) Provides that a county order or municipal ordinance adopted under this section does not apply to an e-cigarette retailer whose gross receipts from the sale of e-cigarettes are less than 50 percent of the retailer's total gross receipts at the retailer's premises within an area described by Subsection (a).

SECTION 2. Effective date: upon passage or September 1, 2025.