

BILL ANALYSIS

Senate Research Center
89R21177 MCF-D

C.S.S.B. 464
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Local Government
3/27/2025
Committee Report (Substituted)

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 and 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>.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 464 amends current law relating to the operation near a public or private primary or secondary school of a retail establishment selling cigarettes, e-cigarettes, vaping apparatuses, or tobacco products and creates a criminal offense.

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 161.0877, as follows:

Sec. 161.0877. RETAIL SALE OF CIGARETTE, E-CIGARETTE, VAPING APPARATUS, OR TOBACCO PRODUCT NEAR SCHOOL; CRIMINAL OFFENSE.

(a) Defines "vaping apparatus."

(b) Provides that a retailer commits an offense if the retailer 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.

(c) Provides that an offense under this section is a Class A misdemeanor.

(d) Provides that this section 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 a retail establishment selling cigarettes, e-cigarettes, vaping apparatuses, or tobacco products if the regulation, ordinance, or requirement is compatible with or equal to or more stringent than a requirement prescribed by this section.

SECTION 2. Effective date: September 1, 2025.