

BILL ANALYSIS

Senate Research Center
89R10182 MCF-F

S.B. 1313
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

E-cigarette and tobacco retailers employ predatory advertisement tactics to entice minors to enter their stores and purchase cigarettes, e-cigarettes, and other harmful tobacco products. These tactics include employing retailer logos, outdoor signage with dynamic lighting, and cartoon-like images that appeal to minors. Additionally, retailers model their store's outdoor aesthetics to resemble clubs and arcades that quickly draw the attention of minors, mainly if these stores operate near schools.

S.B. 1313 prohibits retailers from employing logos, outdoor signage, and design marks that depict cartoon-like images, visuals of products appealing to minors, or images resembling food products to market e-cigarettes and other tobacco products. Additionally, the legislation prohibits retailers from using exterior decorative components that bear a passing resemblance to a club or game room. Any violation of these prohibitions is a Class B misdemeanor.

As proposed, S.B. 1313 amends current law relating to prohibited signs, logos, and designs in advertising or marketing cigarettes, e-cigarettes, or other 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 the heading to Subchapter K, Chapter 161, Health and Safety Code, to read as follows:

SUBCHAPTER K. PROHIBITION OF CERTAIN CIGARETTE, E-CIGARETTE, OR TOBACCO PRODUCT ADVERTISING; FEE

SECTION 2. Amends Subchapter K, Chapter 161, Health and Safety Code, by adding Section 161.124, as follows:

Sec. 161.124. PROHIBITED IMAGES AND SIGNAGE; CRIMINAL OFFENSE. (a)
Defines "e-cigarette" and "retailer."

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

(1) uses in any manner related to the retailer's marketing, advertising, or sale of cigarettes, e-cigarettes, or tobacco products a sign, logo, or other design mark that depicts, imitates, mimics, or includes certain images or trademarks; or

(2) uses decorative components, including signs, graphics, animation, or dynamic lighting, in a manner that presents the exterior of the retailer's premises with a visual appearance of a nightclub or a game room as defined by Section 234.131 (Definitions), Local Government Code.

SECTION 3. Effective date: September 1, 2025.