

BILL ANALYSIS

Senate Research Center

S.B. 2024
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State Affairs
6/12/2025
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, vape pen companies have continued to deliberately target minors. The legislature has banned marketing vape pens to minors and selling vape pens to minors, but some of these companies continue to pursue customers under the age of 21. Bad actors have now begun disguising vape pens as other products, like school supplies and office supplies, in a deliberate attempt to help minors hide that they are using a vape pen. There is zero need for a person who is legally allowed to purchase a vape pen to want to disguise that the product is a vape pen.

The proposed legislation seeks to ban vape pens that are disguised as other products, including school supplies, office supplies, smart phones or smart watches, headphones, clothing, backpacks, cosmetics, and toys. Additionally, the bill bans vape pens that were manufactured in China. Unfortunately, Chinese vape pen manufacturers routinely produce products that are dangerous to human health, and many times customers do not know what substances are in vape pens that were manufactured in China.

(Original Authors/Sponsor's Statement of Intent)

S.B. 2024 amends current law relating to a prohibition on marketing, advertising, offering for sale, or selling certain e-cigarette products, increases a criminal penalty, 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 Sections 161.081(1-a)(A) and (B), Health and Safety Code, to redefine "e-cigarette."

SECTION 2. Amends Section 161.0876, Health and Safety Code, as follows:

Sec. 161.0876. PROHIBITED E-CIGARETTE PRODUCTS. (a) Redefines "e-cigarette product."

(b) Provides that a person commits an offense if the person markets, advertises, sells, offers for sale, or causes to be sold an e-cigarette product:

- (1) in a product container that meets certain criteria, including by including a name of a celebrity;
- (2) in a product shape or design disguised to appear as an alternative product, including a product in the shape or design of certain objects; or
- (3) that is wholly or partially manufactured in or marketed as being manufactured in China or a country designated as a foreign adversary by the United States secretary of commerce under 15 C.F.R. Section 791.4; or

(4) that contains, is mixed with, or is marketed as containing or being mixed with any cannabinoids, alcohol, kratom, kava, mushrooms, tianeptine, or any derivatives of those substances.

Makes nonsubstantive changes to this subsection.

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

SECTION 3. Makes application of Section 161.0876, Health and Safety Code, as amended by this Act, prospective.

SECTION 4. Severability Clause.

SECTION 5. Effective date: September 1, 2025.