By:  Perry S.B. No. 2024

(In the Senate - Filed March 6, 2025; March 17, 2025, read first time and referred to Committee on State Affairs; April 7, 2025, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 7, 2025, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hughes               X

Paxton               X

Bettencourt          X

Birdwell             X

Hall                 X

Hinojosa of Nueces   X

Middleton            X

Parker               X

Perry                          X

Schwertner                     X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR S.B. No. 2024 By:  Hall

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on marketing, advertising, or selling certain e-cigarette products; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Sections 161.0876(a) and (b), Health and Safety Code, are amended to read as follows:

(a)  For purposes of this section, "e-cigarette product" includes any substance [~~containing nicotine from any source that is~~] intended for use in an e-cigarette, regardless of whether the substance contains nicotine.

(b)  A person commits an offense if the person markets, advertises, sells, or causes to be sold an e-cigarette product:

(1)  in a product [~~, if the product's~~] container that:

(A) [~~(1)~~]  depicts a cartoon-like fictional character that mimics a character primarily aimed at entertaining minors;

(B) [~~(2)~~]  imitates or mimics trademarks or trade dress of products that are or have been primarily marketed to minors;

(C) [~~(3)~~]  includes a symbol that is primarily used to market products to minors;

(D) [~~(4)~~]  includes an image or name of a celebrity; or

(E) [~~(5)~~]  includes an image that resembles a food product, including candy or juice;

(2)  in a product shape or design disguised to appear as an alternative product, including a product in the shape or design of:

(A)  a school or office supply, such as a highlighter, marker, ink pen, or pencil;

(B)  a smart phone, smart watch, smart phone case, or smart watch case;

(C)  headphones, including ear buds;

(D)  clothing;

(E)  a backpack;

(F)  a cosmetic, including lipstick; or

(G)  a toy; or

(3)  that was manufactured in China.

SECTION 2.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3.  This Act takes effect September 1, 2025.

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