

By: Cunningham

H.B. No. 1183

A BILL TO BE ENTITLED

AN ACT

relating to county and municipal authority to prohibit the operation of e-cigarette retailers near primary or secondary schools.

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

SECTION 1. Subchapter H, Chapter 161, Health and Safety Code, is amended by adding Section 161.0895 to read as follows:

Sec. 161.0895. LOCAL REGULATION OF E-CIGARETTE RETAILERS NEAR PRIMARY OR SECONDARY SCHOOL CAMPUSES. (a) Except as provided by Subsection (c), the commissioners court of a county may adopt an order applicable to unincorporated areas of the county and the governing body of a municipality may adopt an ordinance applicable within the municipality prohibiting an e-cigarette retailer from operating within:

(1) 300 feet of a public or private primary or secondary school campus;

(2) 1,000 feet of a public primary or secondary school campus on request of the school district board of trustees for the campus; or

(3) 1,000 feet of a private primary or secondary school campus on request of the governing body of the school.

(b) The board of trustees of a school district or governing body of a private school may request the commissioners court of a county or governing body of a municipality to adopt a prohibition

1 described by Subsection (a)(2) or (3) for a district or school
2 campus within the described area.

3 (c) A county order or municipal ordinance adopted under this
4 section does not apply to an e-cigarette retailer whose gross
5 receipts from the sale of e-cigarettes is less than 50 percent of
6 the retailer's total gross receipts at the retailer's premises
7 within an area described by Subsection (a)(1), (2), or (3).

8 SECTION 2. This Act takes effect September 1, 2025.