

By: Lujan

H.B. No. 1816

A BILL TO BE ENTITLED

AN ACT

relating to county and municipal authority to prohibit the operation of e-cigarette retailers near public 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 (b), 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 1,000 feet of a public primary or secondary school campus.

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

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