

By: Johnson

H.B. No. 3965

A BILL TO BE ENTITLED

AN ACT

relating to county and municipal authority to prohibit the sale of cigarettes, e-cigarettes, or tobacco products near certain locations.

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 CIGARETTE, E-CIGARETTE, OR TOBACCO PRODUCT SALES NEAR CERTAIN LOCATIONS. (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 the sale of cigarettes, e-cigarettes, or tobacco products by an establishment operating within:

(1) 300 feet of a church, public hospital, or 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

1 county or governing body of a municipality to adopt a prohibition
2 described by Subsection (a)(2) or (3) for a district or school
3 campus within the described area.

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

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