

By: Hickland

H.B. No. 5024

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of cigarettes and tobacco products,  
including the definitions of cigarettes and tobacco products.

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

SECTION 1. This Act may be cited as the Nicotine Access  
Protection Act.

SECTION 2. Sections 161.081(1) and (5), Health and Safety  
Code, are amended to read as follows:

(1) "Cigarette" means any product intended to be  
burned or heated under ordinary conditions of use and consisting of  
or containing:

(A) a roll of tobacco, herbs, or hemp wrapped in  
paper or another substance that does not contain tobacco;

(B) any form of tobacco, herbs, or hemp used as a  
filler in a product that, because of the product's appearance, the  
type of tobacco, herbs, or hemp used as the filler, or the product's  
packaging and labeling, is likely to be offered to or purchased by a  
consumer as a cigarette; or

(C) a roll of tobacco, herbs, or hemp wrapped in  
any substance containing tobacco that, because of the product's  
appearance, the type of tobacco, herbs, or hemp used as the filler,  
or the product's packaging and labeling, is likely to be offered to  
or purchased by a consumer as a cigarette [~~has the meaning assigned  
by Section 154.001, Tax Code~~].

1           (5) "Tobacco product" means any product made of or  
2 derived from tobacco or containing nicotine, including  
3 synthetically derived nicotine, that is intended for human  
4 consumption. The term includes any component, part, or accessory  
5 of the product. The term does not include raw materials, other than  
6 tobacco, used in the manufacturing of a component, part, or  
7 accessory of a tobacco product [~~has the meaning assigned by Section~~  
8 ~~155.001, Tax Code~~].

9           SECTION 3. Section 161.0815, Health and Safety Code, is  
10 amended to read as follows:

11           Sec. 161.0815. NONAPPLICABILITY. This subchapter does not  
12 apply to a product:

13           (1) that is:

14                   (A) [~~(1)~~] approved by the United States Food and  
15 Drug Administration for use in the treatment of nicotine or smoking  
16 addiction; and

17                   (B) [~~(2)~~] labeled with a "Drug Facts" panel in  
18 accordance with regulations of the United States Food and Drug  
19 Administration; or

20           (2) that does not contain nicotine or contains only  
21 trace amounts of naturally occurring nicotine and constitutes:

22                   (A) a food as defined by Section 201(f), Federal  
23 Food, Drug, and Cosmetic Act (21 U.S.C. 321(f));

24                   (B) a drug as defined by Section 201(g)(1),  
25 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1));

26                   (C) a device as defined by Section 201(h)(1),  
27 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)(1)); or

1                    (D) a combination product regulated under  
2 Section 503(g) of the Federal Food, Drug, and Cosmetic Act (21  
3 U.S.C. 353(g)).

4            SECTION 4. Sections 161.121(2) and (5), Health and Safety  
5 Code, are amended to read as follows:

6                    (2) "Cigarette" has the meaning assigned by Section  
7 161.081 [~~154.001, Tax Code~~].

8                    (5) "Tobacco product" has the meaning assigned by  
9 Section 161.081 [~~155.001, Tax Code~~].

10            SECTION 5. Sections 161.251(1) and (2), Health and Safety  
11 Code, are amended to read as follows:

12                    (1) "Cigarette" has the meaning assigned by Section  
13 161.081 [~~154.001, Tax Code~~].

14                    (2) "Tobacco product" has the meaning assigned by  
15 Section 161.081 [~~155.001, Tax Code~~].

16            SECTION 6. Sections 161.351(1) and (3), Health and Safety  
17 Code, are amended to read as follows:

18                    (1) "Cigarette" has the meaning assigned by Section  
19 161.081 [~~154.001, Tax Code~~].

20                    (3) "Tobacco product" has the meaning assigned by  
21 Section 161.081 [~~155.001, Tax Code~~].

22            SECTION 7. This Act takes effect September 1, 2025.