

By: Leach

H.B. No. 5053

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. Section 161.0876(b), Health and Safety Code, is amended to read as follows:

(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 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

1 highlighter, marker, ink pen, or pencil;

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

4 (C) headphones, including ear buds;

5 (D) clothing;

6 (E) a backpack;

7 (F) a cosmetic, including lipstick; or

8 (G) a toy; or

9 (3) that was manufactured in China.

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

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