

By: Martinez Fischer

H.B. No. 5330

A BILL TO BE ENTITLED

AN ACT

relating to the definition of tobacco product for the purposes of the cigars and tobacco products tax.

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

SECTION 1. Section 155.001(15), Tax Code, is amended to read as follows:

(15) "Tobacco product" means:

(A) a cigar;

(B) smoking tobacco, including granulated, plug-cut, crimp-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette;

(C) chewing tobacco, including Cavendish, Twist, plug, scrap, and any kind of tobacco suitable for chewing;

(D) snuff or other preparations of pulverized tobacco; ~~or~~

(E) an article or product that contains nicotine or synthetic nicotine, regardless of the source from which it is derived, that is intended for human consumption ~~[is made of tobacco or a tobacco substitute]~~ and that is not:

(i) a cigarette or an e-cigarette as defined by Section 161.081, Health and Safety Code; or

(ii) an article or product approved by the United States Food and Drug Administration for use in the treatment of nicotine or smoking addiction the packaging for which is labeled

1 with a drug facts panel; or

2 (F) an article or product without the presence of
3 tobacco leaf that contains nicotine, whether synthetic or derived
4 from tobacco, and is intended for oral consumption, whether chewed,
5 absorbed, dissolved, or ingested, by a means other than inhalation.

6 SECTION 2. The changes in law made by this Act do not affect
7 tax liability accruing before the effective date of this Act. That
8 liability continues in effect as if this Act had not been enacted,
9 and the former law is continued in effect for the collection of
10 taxes due and for civil and criminal enforcement of the liability
11 for those taxes.

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