

By: Campbell, Cook
Perry

S.B. No. 464

A BILL TO BE ENTITLED

AN ACT

relating to the operation near a public or private primary or secondary school of a retail establishment selling cigarettes, e-cigarettes, vaping apparatuses, or tobacco products; creating a criminal offense.

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 161.0877 to read as follows:

Sec. 161.0877. RETAIL SALE OF CIGARETTE, E-CIGARETTE, VAPING APPARATUS, OR TOBACCO PRODUCT NEAR SCHOOL; CRIMINAL OFFENSE.

(a) In this section, "vaping apparatus" means a battery-operated or electronic device intended to deliver an aerosolized or vaporized substance to the individual inhaling from the device, including:

(1) an e-cigar, e-pipe, vape pen, or e-hookah;

(2) any component, part, or accessory of the device;

and

(3) any liquid, solution, or substance intended to be aerosolized or vaporized by the device, regardless of whether the liquid, solution, or substance includes nicotine, flavoring, or other chemicals.

(b) A retailer commits an offense if the retailer operates a retail establishment that sells cigarettes, e-cigarettes, vaping apparatuses, or tobacco products within 1,000 feet of a public or

1 private primary or secondary school.

2 (c) An offense under this section is a Class A misdemeanor.

3 (d) The comptroller shall revoke a permit the comptroller
4 issues under Chapter 147 of this code or Chapter 154 or 155, Tax
5 Code, as applicable, to a retailer who is convicted of an offense
6 under this section.

7 (e) This section does not preempt a local regulation of the
8 operation of a retail establishment selling cigarettes,
9 e-cigarettes, vaping apparatuses, or tobacco products or affect the
10 authority of a political subdivision to adopt or enforce an
11 ordinance or requirement relating to the operation of a retail
12 establishment selling cigarettes, e-cigarettes, vaping
13 apparatuses, or tobacco products if the regulation, ordinance, or
14 requirement is compatible with or equal to or more stringent than a
15 requirement prescribed by this section.

16 (f) This section does not apply to an employee of a
17 retailer.

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