

By: Campbell, Cook
Perry

S.B. No. 464

A BILL TO BE ENTITLED

1 AN ACT

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

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

7 SECTION 1. Subchapter H, Chapter 161, Health and Safety
8 Code, is amended by adding Section 161.0877 to read as follows:

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

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

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

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

17 and

22 (b) A retailer commits an offense if the retailer operates a
23 retail establishment that sells cigarettes, e-cigarettes, vaping
24 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.