

By: Campbell, et al.
(Lujan, Cunningham, et al.)

S.B. No. 464

Substitute the following for S.B. No. 464:

By: Bell of Montgomery

C.S.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 distance between a retail establishment and a public
4 or private school is measured:

5 (1) in a direct line from the property line of the
6 public or private school to the property line of the establishment
7 and in a direct line across intersections; or

8 (2) for an establishment located on or above the fifth
9 floor of a multistory building, in a direct line from the property
10 line of the public or private school to the property line of the
11 establishment, in a direct line across intersections, and in a
12 vertical line from the building base at the property line to the
13 base of the floor on which the establishment is located.

14 (e) The comptroller shall revoke a permit the comptroller
15 issues under Chapter 147 of this code or Chapter 154 or 155, Tax
16 Code, as applicable, to a retailer who is convicted of an offense
17 under this section.

18 (f) This section does not preempt a local regulation of the
19 operation of a retail establishment selling cigarettes,
20 e-cigarettes, vaping apparatuses, or tobacco products or affect the
21 authority of a political subdivision to adopt or enforce an
22 ordinance or requirement relating to the operation of a retail
23 establishment selling cigarettes, e-cigarettes, vaping
24 apparatuses, or tobacco products if the regulation, ordinance, or
25 requirement is compatible with or equal to or more stringent than a
26 requirement prescribed by this section.

27 (g) This section does not apply to an employee of a

1 retailer.

2 (h) Notwithstanding any other law, the comptroller shall
3 adopt rules authorizing a retailer whose permit is revoked under
4 this section to sell the retailer's remaining inventory of
5 cigarettes, e-cigarettes, vaping apparatuses, or tobacco products
6 to another retailer in lieu of the comptroller's seizure of the
7 inventory.

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