

By: Campbell

S.B. No. 464

A BILL TO BE ENTITLED

AN ACT

1
2 relating to county and municipal authority to prohibit the
3 operation of e-cigarette retailers near primary or secondary
4 schools.

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

6 SECTION 1. Subchapter H, Chapter 161, Health and Safety
7 Code, is amended by adding Section 161.0895 to read as follows:

8 Sec. 161.0895. LOCAL REGULATION OF E-CIGARETTE RETAILERS
9 NEAR PRIMARY OR SECONDARY SCHOOL CAMPUSES. (a) Except as provided
10 by Subsection (b), the commissioners court of a county may adopt an
11 order applicable to unincorporated areas of the county and the
12 governing body of a municipality may adopt an ordinance applicable
13 within the municipality prohibiting an e-cigarette retailer from
14 operating within 300 feet of a public or private primary or
15 secondary school campus.

16 (b) A county order or municipal ordinance adopted under this
17 section does not apply to an e-cigarette retailer whose gross
18 receipts from the sale of e-cigarettes are less than 50 percent of
19 the retailer's total gross receipts at the retailer's premises
20 within an area described by Subsection (a).

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2025.