

By: Alvarado

S.B. No. 1182

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the sale or transfer of flavored cigarettes,
3 e-cigarettes, and tobacco products and to certain cigarette or
4 tobacco product advertising.

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

6 SECTION 1. Section 161.081(1-a)(A), Health and Safety Code,
7 is amended to read as follows:

8 (1-a) (A) "E-cigarette" means:

9 (i) an electronic cigarette or any other
10 device that simulates smoking by using a mechanical heating
11 element, battery, or electronic circuit to deliver nicotine or
12 other substances to the individual inhaling from the device; or

13 (ii) a consumable liquid solution or other
14 material aerosolized or vaporized during the use of an electronic
15 cigarette or other device described by this subdivision, regardless
16 of whether the liquid or other material contains nicotine.

17 SECTION 2. Chapter 161, Health and Safety Code, is amended
18 by adding Subchapter I to read as follows:

19 SUBCHAPTER I. FLAVORED CIGARETTES, E-CIGARETTES, AND TOBACCO

20 PRODUCTS

21 Sec. 161.095. DEFINITIONS. In this subchapter:

22 (1) "Cigarette" has the meaning assigned by Section
23 154.001, Tax Code.

24 (2) "E-cigarette" has the meaning assigned by Section

1 161.081.

2 (3) "Tobacco product" has the meaning assigned by
3 Section 155.001, Tax Code.

4 Sec. 161.096. PROHIBITED SALE OF FLAVORED CIGARETTES,
5 E-CIGARETTES, OR TOBACCO PRODUCTS. (a) A person may not sell,
6 give, or cause to be sold or given a cigarette, e-cigarette, or
7 tobacco product with a distinguishable taste or aroma other than
8 the taste or aroma of tobacco, including the aroma or taste of:

9 (1) an alcoholic beverage;

10 (2) candy or dessert;

11 (3) chocolate, cocoa, or vanilla;

12 (4) fruit;

13 (5) an herb or spice;

14 (6) honey;

15 (7) mint or wintergreen; or

16 (8) menthol.

17 (b) There is a rebuttable presumption that a cigarette,
18 e-cigarette, or tobacco product has a distinguishable taste or
19 aroma prohibited under Subsection (a) if a person:

20 (1) publicly states or claims the cigarette,
21 e-cigarette, or tobacco product imparts a taste or smell other than
22 the taste or smell of tobacco;

23 (2) uses text or images on the labeling or packaging of
24 the cigarette, e-cigarette, or tobacco product to indicate the
25 cigarette, e-cigarette, or tobacco product imparts a taste or smell
26 other than the taste or smell of tobacco; or

27 (3) performs another act directed at consumers that

1 would reasonably be expected to cause consumers to believe the
2 cigarette, e-cigarette, or tobacco product imparts a taste or smell
3 other than the taste or smell of tobacco.

4 Sec. 161.097. ENFORCEMENT OF SUBCHAPTER. A person who
5 violates this subchapter is subject to disciplinary action under
6 Section 161.0901 as if the person violated Subchapter H.

7 SECTION 3. Subchapter K, Chapter 161, Health and Safety
8 Code, is amended by adding Section 161.126 to read as follows:

9 Sec. 161.126. DISCIPLINARY ACTION. A person who violates
10 this subchapter is subject to disciplinary action under Section
11 161.0901 as if the person violated Subchapter H.

12 SECTION 4. Sections 161.097 and 161.126, Health and Safety
13 Code, as added by this Act, apply only to a violation that occurs on
14 or after the effective date of this Act.

15 SECTION 5. This Act takes effect September 1, 2025.