

By: Perry, et al.

S.B. No. 2024

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on marketing, advertising, or selling certain e-cigarette products; creating a criminal offense.

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

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

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

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

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

SECTION 2. Sections 161.0876(a) and (b), Health and Safety Code, are amended to read as follows:

(a) For purposes of this section, "e-cigarette product" includes any substance ~~[containing nicotine from any source that is]~~ intended for use in an e-cigarette, regardless of whether the substance contains nicotine.

(b) A person commits an offense if the person markets, advertises, sells, or causes to be sold an e-cigarette product:

(1) in a product [if the product's] container that:

1 (A) [~~(1)~~] depicts a cartoon-like fictional
2 character that mimics a character primarily aimed at entertaining
3 minors;

4 (B) [~~(2)~~] imitates or mimics trademarks or trade
5 dress of products that are or have been primarily marketed to
6 minors;

7 (C) [~~(3)~~] includes a symbol that is primarily
8 used to market products to minors;

9 (D) [~~(4)~~] includes an image or name of a
10 celebrity; or

11 (E) [~~(5)~~] includes an image that resembles a food
12 product, including candy or juice;

13 (2) in a product shape or design disguised to appear as
14 an alternative product, including a product in the shape or design
15 of:

16 (A) a school or office supply, such as a
17 highlighter, marker, ink pen, or pencil;

18 (B) a smart phone, smart watch, smart phone case,
19 or smart watch case;

20 (C) headphones, including ear buds;

21 (D) clothing;

22 (E) a backpack;

23 (F) a cosmetic, including lipstick; or

24 (G) a toy;

25 (3) that was manufactured in China; or

26 (4) that contains or is mixed with any cannabinoids,
27 alcohol, kratom, kava, mushrooms, or a derivative of any of those

1 items.

2 SECTION 3. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 4. This Act takes effect September 1, 2025.