

AN ACT

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

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

SECTION 1. Sections 161.081(1-a)(A) and (B), Health and Safety Code, are 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.

(B) The term "e-cigarette" does not include a prescription medical device, prescription medication, or other prescribed substance unrelated to the cessation of smoking.

SECTION 2. Section 161.0876, Health and Safety Code, is amended to read as follows:

Sec. 161.0876. PROHIBITED E-CIGARETTE PRODUCTS. (a) For purposes of this section, "e-cigarette product" means a consumable liquid solution or other material aerosolized or vaporized during

1 the use of an electronic cigarette or other device described by
2 Section 161.081(1-a), regardless of whether the liquid solution or
3 material contains nicotine. The term does not include a
4 prescription medication or other prescribed substance unrelated to
5 the cessation of smoking [~~includes any substance containing~~
6 ~~nicotine from any source that is intended for use in an~~
7 ~~e-cigarette~~].

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

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

12 (A) [(1)] depicts a cartoon-like fictional
13 character that mimics a character primarily aimed at entertaining
14 minors;

15 (B) [(2)] imitates or mimics trademarks or trade
16 dress of products that are or have been primarily marketed to
17 minors;

18 (C) [(3)] includes a symbol that is primarily
19 used to market products to minors;

20 (D) [(4)] includes an image or name of a
21 celebrity; or

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

24 (2) in a product shape or design disguised to appear as
25 an alternative product, including a product in the shape or design
26 of:

27 (A) a school or office supply, such as a

highlighter, marker, ink pen, or pencil;

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

(C) headphones, including ear buds;

(D) clothing;

(E) a backpack;

(F) a cosmetic, including lipstick; or

(G) a toy;

(3) that is wholly or partially manufactured in or
marketed as being manufactured in:

(A) China; or

(B) a country designated as a foreign adversary
by the United States secretary of commerce under 15 C.F.R. Section
791.4; or

(4) that contains, is mixed with, or is marketed as
containing or being mixed with any cannabinoids, alcohol, kratom,
kava, mushrooms, tianeptine, or any derivatives of those
substances.

(c) An offense under this section is a Class A ~~[B]~~
misdemeanor.

SECTION 3. Section [161.0876](#), Health and Safety Code, as
amended by this Act, applies only to an offense committed on or
after September 1, 2025. An offense committed before that date is
governed by the law in effect on the date the offense was committed,
and the former law is continued in effect for that purpose. For
purposes of this section, an offense was committed before September
1, 2025, if any element of the offense occurred before that date.

SECTION 4. It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to every person, group of persons, or circumstances, is severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

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

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 2024 passed the Senate on April 23, 2025, by the following vote: Yeas 30, Nays 1; May 29, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2025, House granted request of the Senate; June 1, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 2024 passed the House, with amendments, on May 28, 2025, by the following vote: Yeas 128, Nays 7, two present not voting; May 30, 2025, House granted request of the Senate for appointment of Conference Committee; June 1, 2025, House adopted Conference Committee Report by the following vote: Yeas 96, Nays 35, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor