

1-1 By: Campbell, Cook S.B. No. 464
1-2 (In the Senate - Filed November 22, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Local Government;
1-4 March 31, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 31, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Bettencourt	X			
1-10	Middleton	X			
1-11	Cook	X			
1-12	Gutierrez			X	
1-13	Nichols			X	
1-14	Paxton	X			
1-15	West	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 464 By: Middleton

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the operation near a public or private primary or
1-20 secondary school of a retail establishment selling cigarettes,
1-21 e-cigarettes, vaping apparatuses, or tobacco products; creating a
1-22 criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter H, Chapter 161, Health and Safety
1-25 Code, is amended by adding Section 161.0877 to read as follows:

1-26 Sec. 161.0877. RETAIL SALE OF CIGARETTE, E-CIGARETTE,
1-27 VAPING APPARATUS, OR TOBACCO PRODUCT NEAR SCHOOL; CRIMINAL OFFENSE.
1-28 (a) In this section, "vaping apparatus" means a battery-operated
1-29 or electronic device intended to deliver an aerosolized or
1-30 vaporized substance to the individual inhaling from the device,
1-31 including:

- 1-32 (1) an e-cigar, e-pipe, vape pen, or e-hookah;
1-33 (2) any component, part, or accessory of the device;

1-34 and

- 1-35 (3) any liquid, solution, or substance intended to be
1-36 aerosolized or vaporized by the device, regardless of whether the
1-37 liquid, solution, or substance includes nicotine, flavoring, or
1-38 other chemicals.

1-39 (b) A retailer commits an offense if the retailer operates a
1-40 retail establishment that sells cigarettes, e-cigarettes, vaping
1-41 apparatuses, or tobacco products within 1,000 feet of a public or
1-42 private primary or secondary school.

1-43 (c) An offense under this section is a Class A misdemeanor.

1-44 (d) This section does not preempt a local regulation of the
1-45 operation of a retail establishment selling cigarettes,
1-46 e-cigarettes, vaping apparatuses, or tobacco products or affect the
1-47 authority of a political subdivision to adopt or enforce an
1-48 ordinance or requirement relating to the operation of a retail
1-49 establishment selling cigarettes, e-cigarettes, vaping
1-50 apparatuses, or tobacco products if the regulation, ordinance, or
1-51 requirement is compatible with or equal to or more stringent than a
1-52 requirement prescribed by this section.

1-53 SECTION 2. This Act takes effect September 1, 2025.

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