

By: Collier

H.B. No. 382

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a defense to prosecution for the possession of certain  
3 consumable hemp products containing a controlled substance or  
4 marihuana.

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

6 SECTION 1. Section 481.111, Health and Safety Code, is  
7 amended by adding Subsection (c-1) to read as follows:

8 (c-1) A person does not commit an offense under this  
9 subchapter involving the possession of a controlled substance or  
10 marihuana if:

11 (1) the person possesses a product that purports by  
12 the product's label to contain a consumable hemp product that is  
13 authorized under state or federal law;

14 (2) the product described by Subdivision (1) contains  
15 a controlled substance or marihuana, other than the substances  
16 extracted from hemp in the concentrations authorized under  
17 Subchapter E, Chapter 443; and

18 (3) the person purchased the product described by  
19 Subdivision (1) from a retailer the person reasonably believed was  
20 authorized to sell a consumable hemp product.

21 SECTION 2. The change in law made by this Act applies only  
22 to an offense committed on or after the effective date of this Act.  
23 An offense committed before the effective date of this Act is  
24 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For  
2 purposes of this section, an offense was committed before the  
3 effective date of this Act if any element of the offense occurred  
4 before that date.

5 SECTION 3. This Act takes effect September 1, 2023.