

By: Pena

H.B. No. 74

A BILL TO BE ENTITLED

AN ACT

relating to an offense of selling or offering to sell a marihuana flavored confectionery.

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

SECTION 1. Chapter 48, Penal Code, is amended by adding Section 48.03 to read as follows:

Sec. 48.03. PROHIBITIONS RELATING TO CERTAIN CONFECTIONERIES. (a) In this section, "marihuana" means the plant Cannabis sativa L., whether growing or not, the seeds of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds.

(b) A person commits an offense if the person sells or offers to sell candy or another confectionery that the person knows is designed and manufactured to contain the actual or simulated flavor of marihuana.

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

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.