



FLOOR AMENDMENT NO. _____

10 APR 30 PM 2:11

HOUSE OF REPRESENTATIVES

BY: _____

1 Amend H.B. No. 124 by striking all below the enacting
2 clause and substituting the following:

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

5 Sec. 48.03. PROHIBITION RELATING TO SALE OR DELIVERY OF
6 SALVIA DIVINORUM TO CHILD. (a) In this section, "child" means
7 a person younger than 18 years of age.

8 (b) A person commits an offense if the person, with
9 criminal negligence, sells, delivers, or causes to be sold or
10 delivered salvia divinorum, Salvinorin A, or a product
11 containing salvia divinorum or Salvinorin A to a child or to
12 another person who intends to deliver it to a child.

13 (c) An offense under this section is a Class C
14 misdemeanor.

15 (d) It is not a defense to prosecution under this section
16 that, at the time of the offense, the actor was an employee of a
17 retail establishment that sold or offered for sale salvia
18 divinorum, Salvinorin A, or a product containing salvia
19 divinorum or Salvinorin A.

20 (e) It is a defense to prosecution under this section that
21 the child presented to the actor an apparently valid proof of
22 identification, including a driver's license issued by this
23 state or another state, a passport, or an identification
24 certificate or card issued by a state or the federal government.
25 A proof of identification satisfies the requirements of this
26 subsection if the identification:

27 (1) contains a physical description and photograph
28 consistent with the person's appearance;

29 (2) purports to establish that the person is 18 years

1 of age or older; and

2 (3) was issued by a governmental agency.

3 SECTION 2. This Act takes effect September 1, 2013.