

By: Zaffirini

S.B. No. 39

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offenses of marketing or packaging of consumable hemp products in a manner attractive to minors and misleading consumable hemp packaging.

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

SECTION 1. Subchapter E, Chapter 443, Health and Safety Code, is amended by adding Sections 443.2055 and 443.2056 to read as follows:

Sec. 443.2055. OFFENSE: MARKETING OR PACKAGING OF CONSUMABLE HEMP PRODUCT IN MANNER ATTRACTIVE TO MINORS. (a) In this section, "minor" means a person younger than 21 years of age.

(b) A person commits an offense if the person markets, advertises, sells, or causes to be sold an edible consumable hemp product containing a hemp-derived cannabinoid that:

(1) is in the shape of a human, animal, fruit, or cartoon or in another shape that is attractive to minors; or

(2) is in packaging or a container that:

(A) is in the shape of a human, animal, fruit, or cartoon or in another shape that is attractive to minors;

(B) depicts an image of a human, animal, fruit, or cartoon or another image that is attractive to minors;

(C) imitates or mimics trademarks or trade dress of products that are or have been primarily marketed to minors;

(D) includes a symbol that is primarily used to

market products to minors;

(E) includes an image of a celebrity; or

(F) includes an image that resembles a food product, including candy or juice.

(c) In this section, a cartoon includes a depiction of an object, person, animal, creature, or any similar caricature that:

(1) uses comically exaggerated features and attributes;

(2) assigns human characteristics to animals, plants, or other objects; or

(3) has unnatural or extra-human abilities, such as imperviousness to pain or injury, x-ray vision, tunneling at very high speeds, or transformation.

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

Sec. 443.2056. OFFENSE: MISLEADING CONSUMABLE HEMP PACKAGING. (a) A person commits an offense if the person sells or offers for sale a consumable hemp product that contains or is marketed as containing hemp-derived cannabinoids in a package that depicts any statement, artwork, or design that would likely mislead a person to believe:

(1) the package does not contain a hemp-derived cannabinoid; or

(2) the product is intended for medical use, including by depicting a green cross.

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

SECTION 2. This Act takes effect December 1, 2025.