89S20136 RDR-D

By:  Geren H.B. No. 36

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the sale, delivery, or purchase of a consumable hemp product to or by a person younger than 21 years of age, the entry onto the premises of a retailer of consumable hemp products by a person younger than 21 years of age, and the employment by a retailer of consumable hemp products of a person younger than 21 years of age; creating criminal offenses.

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

SECTION 1.  Section 443.001, Health and Safety Code, is amended by adding Subdivision (8-a) to read as follows:

(8-a)  "Minor" means a person younger than 21 years of age.

SECTION 2.  Subchapter E, Chapter 443, Health and Safety Code, is amended by adding Sections 443.208, 443.209, 443.210, 443.211, and 443.212 to read as follows:

Sec. 443.208.  CRIMINAL OFFENSE OF PROHIBITED SALE OR DELIVERY OF CONSUMABLE HEMP PRODUCTS TO PERSONS YOUNGER THAN 21 YEARS OF AGE; PROOF OF AGE REQUIRED. (a) A person commits an offense if the person, with criminal negligence, sells, gives, or causes to be sold or given a consumable hemp product to a person younger than 21 years of age.

(b)  If an offense under this section occurs in connection with a sale by an employee of a retail store in which consumable hemp products are sold, the employee is criminally responsible and subject to prosecution.

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

(d)  It is a defense to prosecution under Subsection (a) that the person to whom the consumable hemp product was sold or given presented to the defendant apparently valid proof of identification.

(e)  A proof of identification satisfies the requirements of Subsection (d) if it contains a physical description and photograph consistent with the person's appearance, purports to establish the person is 21 years of age or older, and was issued by a governmental agency. The proof of identification may include a driver's license issued by this state or another state, a passport, or an identification card issued by a state or the federal government.

Sec. 443.209.  PURCHASE OF CONSUMABLE HEMP PRODUCT BY MINOR. (a) A minor commits an offense if the minor purchases a consumable hemp product. A minor does not commit an offense if the minor purchases a consumable hemp product under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this chapter.

(b)  An offense under this section is punishable as provided by Section 443.211.

Sec. 443.210.  ATTEMPT TO PURCHASE CONSUMABLE HEMP PRODUCT BY MINOR. (a) A minor commits an offense if, with specific intent to commit an offense under Section 443.209, the minor does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

(b)  An offense under this section is punishable as provided by Section 443.211.

Sec. 443.211.  PUNISHMENT FOR CONSUMABLE HEMP PRODUCT-RELATED OFFENSE BY MINOR. (a) This section applies to an offense under Section 443.209 or 443.210.

(b)  Except as provided by Subsection (c), an offense to which this section applies is a Class C misdemeanor.

(c)  If it is shown at the trial of the defendant that the defendant is a minor who is not a child and who has been previously convicted at least twice of an offense to which this section applies, the offense is punishable by:

(1)  a fine of not less than $250 or more than $2,000;

(2)  confinement in jail for a term not to exceed 180 days; or

(3)  both the fine and confinement.

(d)  In addition to any fine:

(1)  the court shall order a minor placed on deferred disposition for or convicted of an offense to which this section applies to perform community service for:

(A)  not less than eight or more than 12 hours, if the minor has not been previously convicted of an offense to which this section applies; or

(B)  not less than 20 or more than 40 hours, if the minor has been previously convicted once of an offense to which this section applies; and

(2)  the court shall order the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense to which this section applies or, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit for:

(A)  30 days, if the minor has not been previously convicted of an offense to which this section applies;

(B)  60 days, if the minor has been previously convicted once of an offense to which this section applies; or

(C)  180 days, if the minor has been previously convicted twice or more of an offense to which this section applies.

(e)  Community service ordered under this section must be related to education about or prevention of misuse of drugs if programs or services providing that education are available in the community in which the court is located.  If programs or services providing that education are not available, the court may order community service that it considers appropriate for rehabilitative purposes.

(f)  In this section:

(1)  a prior adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction; and

(2)  a prior order of deferred disposition for an offense alleged under this section is considered a conviction.

(g)  In this section, "child" has the meaning assigned by Section 51.02, Family Code.

(h)  A driver's license suspension under this section takes effect on the 11th day after the date the minor is convicted.

(i)  A defendant who is not a child and who has been previously convicted at least twice of an offense to which this section applies is not eligible to receive a deferred disposition or deferred adjudication.

Sec. 443.212.  AGE REQUIREMENTS. (a) Except as provided by Subsection (b) or other law, a person younger than 21 years of age may not be permitted to enter the premises of a retailer of consumable hemp products.

(b)  An owner or employee of a retailer of consumable hemp products may not knowingly use or employ any person younger than 21 years of age to work on the premises of the retailer in any capacity. This subsection does not apply to a person who is at least 18 years of age and who is employed by the person's parent or legal guardian to work in the retailer that is owned by the parent or legal guardian.

SECTION 3.  This Act takes effect January 1, 2026.