

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

1 subject to prosecution.

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

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

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

14 Sec. 443.209. PURCHASE OF CONSUMABLE HEMP PRODUCT BY MINOR.

15 (a) A minor commits an offense if the minor purchases a consumable
16 hemp product. A minor does not commit an offense if the minor
17 purchases a consumable hemp product under the immediate supervision
18 of a commissioned peace officer engaged in enforcing the provisions
19 of this chapter.

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

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

27 (b) An offense under this section is punishable as provided

1 by Section 443.211.

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

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

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

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

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

14 (3) both the fine and confinement.

15 (d) In addition to any fine:

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

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

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

25 (2) the court shall order the Department of Public
26 Safety to suspend the driver's license or permit of a minor
27 convicted of an offense to which this section applies or, if the

1 minor does not have a driver's license or permit, to deny the
2 issuance of a driver's license or permit for:

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

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

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

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

16 (f) In this section:

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

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

22 (g) In this section, "child" has the meaning assigned by
23 Section [51.02](#), Family Code.

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

26 (i) A defendant who is not a child and who has been
27 previously convicted at least twice of an offense to which this

1 section applies is not eligible to receive a deferred disposition
2 or deferred adjudication.

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

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

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