

Amend Amendment No. 2 by Oliverson to CSSB 3 by striking page 12, line 27, through page 13, line 4, and substituting the following:

Sec. 443.252. OFFENSE: POSSESSION OF CERTAIN CONSUMABLE HEMP PRODUCTS. (a) In this section, "child" has the meaning assigned by Section 51.02, Family Code.

(b) A person commits an offense if the person knowingly or intentionally possesses a consumable hemp product that contains any amount of a cannabinoid other than cannabidiol or cannabigerol.

(c) It is a defense to prosecution under this section that the actor:

(1) requested emergency medical assistance in response to the person's own possible overdose or the possible overdose of another person; and

(2) if the person requested emergency medical assistance for the possible overdose of another person:

(A) remained on the scene until medical assistance arrived; and

(B) cooperated with medical assistance and law enforcement personnel on the scene.

(d) Except as provided by Subsection (e), an offense under this section is a Class A misdemeanor.

(e) An offense under this section committed by a minor is a Class C misdemeanor, except that if it is shown on the trial of the offense that at the time of the offense the actor is a minor who is not a child and the actor has been previously convicted of an offense under this section two or more times, the offense is a misdemeanor punishable by:

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

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

(3) both the fine and the confinement.

(f) The court shall order:

(1) a minor placed on deferred disposition for or convicted of an offense under this section to:

(A) perform community service for:

(i) not less than 8 or more than 12 hours if the minor has not been previously convicted of an offense under this section; or

(ii) not less than 20 or more than 40 hours if the minor has been previously convicted of an offense under this section; and

(B) successfully complete a substance misuse education program under Section 521.374(a)(1), Transportation Code, that is regulated by the Texas Department of Licensing and Regulation under Chapter 171, Government Code; and

(2) the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense under this section 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 under this section;

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

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

(g) Community service ordered under Subsection (f) must be related to education about or prevention of misuse of drugs if a program or service providing that education or prevention is available in the county in which the court is located. If a program or service providing that education or prevention is not available in the county, the court may order community service appropriate for rehabilitative purposes. The education program under Subsection (f)(1)(B) is in addition to community service ordered under this section.

(h) A driver's license suspension under Subsection (f)(2) takes effect on the 11th day after the date the minor is convicted.

(i) A person who is not a child and who has been previously convicted of an offense under this section two or more times is not eligible to receive deferred disposition or deferred adjudication for an offense under this section.

(j) For the purpose of determining whether a person has been previously convicted of an offense under this section:

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

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

(k) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.