

All Published Pre-filed Amendments for SB 3

Oliverson

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Amendment

891071

**The following amendment was
published on 5/19/25 6:05 PM**

1 holder:

2 (1) is not ineligible to hold the license under
3 Section 443.102;

4 (2) has not violated this chapter or a rule adopted
5 under this chapter;

6 (3) submits to the department any license renewal fee;
7 and

8 (4) ~~[(3)]~~ does not owe any outstanding fees to the
9 department.

10 SECTION 5. Subchapter C, Chapter 443, Health and Safety
11 Code, is amended by adding Section 443.106 to read as follows:

12 Sec. 443.106. RESTRICTION ON MANUFACTURE OF CERTAIN
13 CONSUMABLE HEMP PRODUCTS. A license holder may not manufacture a
14 consumable hemp product that contains any amount of a cannabinoid
15 other than cannabidiol or cannabigerol.

16 SECTION 6. Section 443.151, Health and Safety Code, is
17 amended by amending Subsections (a), (b), and (d) and adding
18 Subsections (d-1) and (d-2) to read as follows:

19 (a) A consumable hemp product must be tested as provided
20 by~~+~~

21 ~~[(1)]~~ Subsections (b), ~~[and]~~ (c), and~~[-or]~~

22 ~~[(2) Subsection]~~ (d).

23 (b) Before a hemp plant is processed or otherwise used in
24 the manufacture of a consumable hemp product, a sample representing
25 the plant must be tested, as required by the executive
26 commissioner, to determine:

27 (1) the concentration and identity of the ~~[various]~~
28 cannabinoids in the plant; and

29 (2) the presence or quantity of heavy metals,
30 pesticides, microbial contamination, and any other substance
31 prescribed by the department.

1 (d) Before [~~Except as otherwise provided by Subsection (e),~~
2 ~~before~~] a consumable hemp product is sold at retail or otherwise
3 introduced into commerce in this state, a sample representing the
4 hemp product must be tested:

5 (1) by a laboratory that is:

6 (A) located in this state;

7 (B) registered with the United States Drug
8 Enforcement Administration; and

9 (C) accredited by an accreditation body in
10 accordance with International Organization for Standardization
11 ISO/IEC 17025 or a comparable or successor standard to determine
12 the identity and [~~delta-9 tetrahydrocannabinol~~] concentration of
13 any cannabinoids contained in the product; and

14 (2) by an appropriate laboratory to determine that the
15 product does not contain a substance described by Subsection (b)(2)
16 [~~(b)~~] or (c) in a quantity prohibited for purposes of those
17 subsections.

18 (d-1) The testing required under Subsection (d) must use
19 post-decarboxylation, high-performance liquid chromatography, or a
20 similar method that includes the conversion of
21 tetrahydrocannabinolic acid into tetrahydrocannabinol to determine
22 the total tetrahydrocannabinol concentration in a tested product.

23 (d-2) A person that tests a consumable hemp product under
24 Subsection (d) shall report the test results to the department in
25 the form and manner required by the department.

26 SECTION 7. Sections 443.152(a) and (c), Health and Safety
27 Code, are amended to read as follows:

28 (a) A consumable hemp product that contains any amount of a
29 cannabinoid other than cannabidiol or cannabigerol [~~has a delta-9~~
30 ~~tetrahydrocannabinol concentration of more than 0.3 percent~~] may
31 not be sold at retail or otherwise introduced into commerce in this

1 state.

2 (c) A license holder shall make available to a seller of a
3 consumable hemp product processed or manufactured by the license
4 holder the results of testing required by Section 443.151. The
5 results may accompany a shipment to the seller or be made available
6 to the seller electronically. If the results are not able to be
7 made available, the seller may have the testing required under
8 Section 443.151 performed on the product and shall make the results
9 available to a consumer and the department.

10 SECTION 8. Sections 443.202(b) and (c), Health and Safety
11 Code, are amended to read as follows:

12 (b) Notwithstanding any other law, a person may not sell,
13 offer for sale, possess, distribute, or transport a cannabinoid
14 oil[~~, including cannabidiol oil,~~] in this state:

15 (1) if the oil contains any material extracted or
16 derived from the plant Cannabis sativa L., other than from hemp
17 produced in compliance with 7 U.S.C. Chapter 38, Subchapter VII;
18 and

19 (2) unless a sample representing the oil has been
20 tested by a laboratory that is accredited by an independent
21 accreditation body in accordance with International Organization
22 for Standardization ISO/IEC 17025 or a comparable or successor
23 standard and found to not contain any amount of a cannabinoid other
24 than cannabidiol or cannabigerol [~~have a delta-9~~
25 ~~tetrahydrocannabinol concentration of not more than 0.3 percent~~].

26 (c) The department [~~and the Department of Public Safety~~]
27 shall establish a process for the [~~random~~] testing of cannabinoid
28 oil[~~, including cannabidiol oil,~~] at various retail and other
29 establishments that sell, offer for sale, distribute, or use the
30 oil to ensure that the oil:

31 (1) does not contain harmful ingredients;

1 (2) is produced in compliance with 7 U.S.C. Chapter
2 38, Subchapter VII; and

3 (3) does not contain any amount of a cannabinoid other
4 than cannabidiol or cannabigerol [~~has a delta-9~~
5 ~~tetrahydrocannabinol concentration of not more than 0.3 percent~~].

6 SECTION 9. The heading to Section 443.2025, Health and
7 Safety Code, is amended to read as follows:

8 Sec. 443.2025. REGISTRATION REQUIRED FOR RETAILERS OF
9 CERTAIN CONSUMABLE HEMP PRODUCTS.

10 SECTION 10. Section 443.2025, Health and Safety Code, is
11 amended by amending Subsections (b), (d), and (f) and adding
12 Subsection (h) to read as follows:

13 (b) A person may not sell consumable hemp products
14 containing a cannabinoid [~~cannabidiol~~] at retail in this state
15 unless the person registers with the department each location
16 owned, operated, or controlled by the person at which those
17 products are sold. A person is not required to register a location
18 associated with an employee [~~or independent contractor~~] described
19 by Subsection (d).

20 (d) A person is not required to register with the department
21 under Subsection (b) if the person is[+]

22 [~~(1)~~] an employee of a registrant[~~, or~~
23 [~~(2)~~] ~~an independent contractor of a registrant who~~
24 ~~sells the registrant's products at retail~~].

25 (f) The owner of a location at which consumable hemp
26 products are sold shall annually pay to the department a
27 registration fee in the amount of \$20,000 for each location owned by
28 the person at which those products are sold [~~The department by rule~~
29 ~~may adopt a registration fee schedule that establishes reasonable~~
30 ~~fee amounts for the registration of:~~

31 [~~(1) a single location at which consumable hemp~~

1 ~~products containing cannabidiol are sold, and~~

2 ~~[(2) multiple locations at which consumable hemp~~
3 ~~products containing cannabidiol are sold under a single~~
4 ~~registration].~~

5 (h) A person may not sell consumable hemp products unless
6 the person has provided to the department written consent from the
7 person or the property owner, if the person is not the property
8 owner, allowing the department, the Department of Public Safety,
9 and any other state or local law enforcement agency to enter onto
10 all premises where consumable hemp products are sold to conduct a
11 physical inspection or to ensure compliance with this chapter and
12 rules adopted under this chapter.

13 SECTION 11. Subchapter E, Chapter 443, Health and Safety
14 Code, is amended by adding Section 443.2026 to read as follows:

15 Sec. 443.2026. CONSUMABLE HEMP PRODUCT REGISTRATION. (a)
16 A consumable hemp product may not be offered for sale in this state
17 unless the manufacturer of the product, before selling the product
18 to a retailer:

19 (1) submits an application for the consumable hemp
20 product to be registered with the department; and

21 (2) receives approval that the product is compliant
22 with this chapter, registered, and approved for sale in this state.

23 (b) The department shall issue a unique product
24 registration number to each consumable hemp product approved by the
25 department.

26 (c) A manufacturer applying to register a consumable hemp
27 product under this section shall pay an application fee to the
28 department in the amount of \$500 for each consumable hemp product.

29 (d) The department shall maintain an updated product
30 registration list on the department's public Internet website,
31 which must include front and back identifying pictures of each

1 registered product.

2 (e) Each consumable hemp product, including the container
3 and package, if applicable, must be labeled with:

4 (1) a QR code that links:

5 (A) to the department's product registration
6 list under Subsection (d); and

7 (B) to the identifying picture of the product
8 provided on registration of the product with the department under
9 Subsection (d) for the purpose of confirming registration of the
10 product and allowing verification of the product by law
11 enforcement; and

12 (2) the following message placed adjacent to the
13 required QR code on the label: "SCAN QR CODE BEFORE PURCHASE".

14 (f) The department may not approve for sale a consumable
15 hemp product that:

16 (1) contains any artificial or synthetic
17 cannabinoids; or

18 (2) contains or is mixed with any alcohol, tobacco,
19 nicotine, kratom, kava, mushrooms, or a derivative of any of those
20 items.

21 (g) A person commits an offense if the person distributes,
22 delivers, sells, purchases, possesses, or uses a consumable hemp
23 product that is not registered with the department as provided by
24 this section.

25 (h) An offense under this section is a Class B misdemeanor.

26 (i) A person is presumed to know a consumable hemp product
27 is prohibited under this chapter if the product is not listed on the
28 department's Internet website as required by Subsection (d) or does
29 not have a valid QR code under Subsection (e).

30 (j) The executive commissioner shall adopt rules to
31 implement and administer this section.

SECTION 12. Section 443.203, Health and Safety Code, is amended to read as follows:

Sec. 443.203. DECEPTIVE TRADE PRACTICE. (a) A person who sells, offers for sale, or distributes a consumable hemp product [~~cannabinoid oil, including cannabidiol oil,~~] that the person claims is processed or manufactured in compliance with this chapter commits a false, misleading, or deceptive act or practice actionable under Subchapter E, Chapter 17, Business & Commerce Code, if the product [~~oil~~] is not processed or manufactured in accordance with this chapter.

(b) A person who sells, offers for sale, or distributes a consumable hemp product [~~cannabinoid oil~~] commits a false, misleading, or deceptive act or practice actionable under Subchapter E, Chapter 17, Business & Commerce Code, if [~~the oil~~]:

- (1) the product contains harmful ingredients;
- (2) the product is not produced in compliance with 7 U.S.C. Chapter 38, Subchapter VII; [~~or~~]
- (3) the product contains any amount of a cannabinoid other than cannabidiol or cannabigerol; or
- (4) the product's packaging or advertising indicates that the product is for medical use [~~has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent~~].

SECTION 13. Section 443.204, Health and Safety Code, is amended to read as follows:

Sec. 443.204. RULES RELATED TO SALE OF CONSUMABLE HEMP PRODUCTS. Rules adopted by the executive commissioner regulating the sale of consumable hemp products must to the extent allowable by federal law reflect the following principles:

- (1) hemp-derived [~~cannabinoids, including~~] cannabidiol and cannabigerol [~~7~~] are not considered controlled substances or adulterants;

1 (2) products containing ~~[one or more]~~ hemp-derived
2 ~~[cannabinoids, such as]~~ cannabidiol or cannabigerol~~[,]~~ intended
3 for ingestion are considered foods, not controlled substances or
4 adulterated products; and

5 (3) consumable hemp products must be packaged and
6 labeled in the manner provided by Section 443.205~~[, and~~

7 ~~[(4) the processing or manufacturing of a consumable~~
8 ~~hemp product for smoking is prohibited]~~.

9 SECTION 14. Sections 443.205(a) and (c), Health and Safety
10 Code, are amended to read as follows:

11 (a) Before a consumable hemp product that contains or is
12 marketed as containing ~~[more than trace amounts of]~~ cannabinoids
13 may be distributed or sold, the product must be:

14 (1) labeled in the manner provided by this subchapter,
15 including ~~[section with]~~ the following information:

16 (A) ~~[(1)]~~ batch identification number;

17 (B) ~~[(2)]~~ batch date;

18 (C) ~~[(3)]~~ product name;

19 (D) ~~[(4)]~~ a uniform resource locator (URL) that
20 provides or links to a certificate of analysis for the product or
21 each hemp-derived ingredient of the product;

22 (E) ~~[(5)]~~ the name of the product's
23 manufacturer;

24 (F) the amount of cannabidiol or cannabigerol in
25 each serving or unit of the product; and

26 (G) ~~[(6)]~~ a certification that there is no
27 detectable amount of any cannabinoid other than cannabidiol or
28 cannabigerol in the product; and

29 (2) prepackaged or placed at the time of sale in
30 packaging or a container that is:

31 (A) tamper-evident;

1 (B) child-resistant; and

2 (C) if the product contains multiple servings or
3 consists of multiple products purchased in one transaction,
4 resealable in a manner that allows the child-resistant mechanism to
5 remain intact [~~the delta-9 tetrahydrocannabinol concentration of~~
6 ~~the product or each hemp-derived ingredient of the product is not~~
7 ~~more than 0.3 percent~~].

8 (c) The label required by Subsection (a) must appear on the
9 outer packaging of each unit of the product intended for individual
10 retail sale. [~~If that unit includes inner and outer packaging, the~~
11 ~~label may appear on any of that packaging.~~]

12 SECTION 15. Subchapter E, Chapter 443, Health and Safety
13 Code, is amended by adding Sections 443.2055 and 443.2056 to read as
14 follows:

15 Sec. 443.2055. OFFENSE: MARKETING OF CONSUMABLE HEMP
16 PRODUCT OR PACKAGING IN MANNER ATTRACTIVE TO MINORS. (a) A person
17 commits an offense if the person markets, advertises, sells, or
18 causes to be sold an edible consumable hemp product containing a
19 hemp-derived cannabinoid that:

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

22 (2) is in packaging or a container that:

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

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

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

29 (D) includes a symbol that is primarily used to
30 market products to minors;

31 (E) includes an image of a celebrity; or

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

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

5 (1) uses comically exaggerated features and
6 attributes;

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

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

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

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

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

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

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

24 SECTION 16. Section 443.206, Health and Safety Code, is
25 amended to read as follows:

26 Sec. 443.206. RETAIL SALE OF OUT-OF-STATE CONSUMABLE HEMP
27 PRODUCTS. Retail sales of consumable hemp products processed or
28 manufactured outside of this state may be made in this state when
29 the products were processed or manufactured in another state or
30 jurisdiction if the products:

31 (1) were manufactured or processed in compliance with:

1 (A) [~~1~~] that state's [~~state~~] or jurisdiction's
2 plan approved by the United States Department of Agriculture under
3 7 U.S.C. Section 1639p;

4 (B) [~~2~~] a plan established under 7 U.S.C.
5 Section 1639q if that plan applies to the state or jurisdiction; or

6 (C) [~~3~~] the laws of that state or jurisdiction
7 if the products are tested in accordance with, or in a manner
8 similar to, Section 443.151;

9 (2) do not contain any amount of a cannabinoid other
10 than cannabidiol or cannabigerol; and

11 (3) are packaged and labeled in the manner provided by
12 this subchapter.

13 SECTION 17. Chapter 443, Health and Safety Code, is amended
14 by adding Subchapters F and G to read as follows:

15 SUBCHAPTER F. CRIMINAL OFFENSES

16 Sec. 443.251. OFFENSE: MANUFACTURE, DELIVERY, OR
17 POSSESSION WITH INTENT TO DELIVER OF CERTAIN CONSUMABLE HEMP
18 PRODUCTS. (a) A person commits an offense if the person knowingly
19 manufactures, delivers, or possesses with intent to deliver a
20 consumable hemp product that contains any amount of a cannabinoid
21 other than cannabidiol or cannabigerol.

22 (b) An offense under this section is a felony of the third
23 degree.

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

27 Sec. 443.252. OFFENSE: POSSESSION OF CERTAIN CONSUMABLE
28 HEMP PRODUCTS. (a) A person commits an offense if the person
29 knowingly or intentionally possesses a consumable hemp product that
30 contains any amount of a cannabinoid other than cannabidiol or
31 cannabigerol.

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

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

5 Sec. 443.253. OFFENSE: SALE OR DISTRIBUTION OF CERTAIN
6 CONSUMABLE HEMP PRODUCTS TO PERSONS YOUNGER THAN 21 YEARS OF AGE;
7 PROOF OF AGE REQUIRED. (a) A person commits an offense if the
8 person, with criminal negligence, sells a consumable hemp product
9 that contains or is marketed as containing hemp-derived
10 cannabinoids to a person who is younger than 21 years of age.

11 (b) An employee of the owner of a store in which consumable
12 hemp products that contain or are marketed as containing
13 hemp-derived cannabinoids are sold at retail is criminally
14 responsible and subject to prosecution for an offense under this
15 section that occurs in connection with a sale by the employee.

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

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

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

28 (f) The owner of a store in which consumable hemp products
29 that contain or are marketed as containing hemp-derived
30 cannabinoids are sold, or an employee of the owner, may not display
31 consumable hemp products for sale adjacent to products that are

1 legal for children to consume.

2 Sec. 443.254. OFFENSE: MANUFACTURE, DISTRIBUTION, OR SALE
3 OF CONSUMABLE HEMP PRODUCTS FOR SMOKING. (a) A person commits an
4 offense if the person manufactures, distributes, sells, or offers
5 for sale a consumable hemp product for smoking.

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

7 Sec. 443.255. OFFENSE: SALE OR DELIVERY OF CERTAIN
8 CONSUMABLE HEMP PRODUCTS NEAR SCHOOL. (a) In this section,
9 "school" and "premises" have the meanings assigned by Section
10 481.134.

11 (b) A person commits an offense if the person sells, offers
12 for sale, or delivers a consumable hemp product containing a
13 hemp-derived cannabinoid in, on, or within 1,000 feet of the
14 premises of a school.

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

16 Sec. 443.256. OFFENSE: PROVISION OF CERTAIN CONSUMABLE HEMP
17 PRODUCT BY COURIER, DELIVERY, OR MAIL SERVICE. (a) A person
18 commits an offense if the person provides a consumable hemp product
19 containing a hemp-derived cannabinoid by courier, delivery, or mail
20 service.

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

22 Sec. 443.257. OFFENSE: FALSE LABORATORY REPORT. (a) A
23 person commits an offense if the person, with the intent to deceive,
24 forges, falsifies, or alters the results of a laboratory test
25 authorized or required by this chapter.

26 (b) An offense under this section is a felony of the third
27 degree.

28 Sec. 443.258. OFFENSE: MANUFACTURING OR SELLING WITHOUT
29 LICENSE OR REGISTRATION. (a) A person commits an offense if the
30 person:

31 (1) processes hemp or manufactures a consumable hemp

1 product without a license issued under Subchapter C; or

2 (2) sells at retail or offers for sale at retail a
3 consumable hemp product without registering as a retailer under
4 Section 443.2025.

5 (b) An offense under this section is a felony of the third
6 degree.

7 SUBCHAPTER G. ADMINISTRATIVE ENFORCEMENT

8 Sec. 443.301. ENFORCEMENT BY DEPARTMENT. (a) The
9 department shall receive and investigate complaints concerning
10 violations of this chapter by:

11 (1) a license holder under Subchapter C; or

12 (2) a registrant under Section 443.2025.

13 (b) The department may revoke, suspend, or refuse to renew a
14 license or registration for a violation of this chapter or a rule
15 adopted under this chapter.

16 (c) The department may impose an administrative penalty in
17 an amount not to exceed \$10,000 against a license holder or
18 registrant for each violation of this chapter or a rule adopted
19 under this chapter.

20 (d) A proceeding under this section is a contested case
21 under Chapter 2001, Government Code.

22 SECTION 18. The following provisions of the Health and
23 Safety Code are repealed:

24 (1) Section 443.151(e);

25 (2) Section 443.201; and

26 (3) Sections 443.202(a) and 443.2025(a) and (c).

27 SECTION 19. Not later than December 1, 2025, the executive
28 commissioner of the Health and Human Services Commission shall
29 adopt the rules required by Section 443.2026, Health and Safety
30 Code, as added by this Act.

31 SECTION 20. (a) Except as otherwise provided by Subsection

1 (b) of this section, the changes in law made by this Act apply to the
2 manufacture, sale, delivery, or possession of a consumable hemp
3 product that occurs on or after the effective date of this Act. The
4 manufacture, sale, delivery, or possession of a consumable hemp
5 product that occurs before the effective date of this Act is
6 governed by the law in effect on the date the manufacture, sale,
7 delivery, or possession occurred and the former law is continued in
8 effect for that purpose.

9 (b) A person selling consumable hemp products on the
10 effective date of this Act is not required to register a product
11 under Section 443.2026, Health and Safety Code, as added by this
12 Act, before January 1, 2026.

13 SECTION 21. This Act takes effect September 1, 2025.