

By: Shaheen

H.B. No. 2155

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the sale, transfer, or delivery of consumable hemp products; creating a criminal offense.

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

SECTION 1. The heading to Chapter 443, Health and Safety Code, is amended to read as follows:

CHAPTER 443. [~~MANUFACTURE, DISTRIBUTION, AND~~] SALE, TRANSFER, OR DELIVERY OF CONSUMABLE HEMP PRODUCTS PROHIBITED

SECTION 2. Section 443.001(1), Health and Safety Code, is amended to read as follows:

(1) "Consumable hemp product" means food, a drug, a device, or a cosmetic, as those terms are defined by Section 431.002, that contains hemp or one or more hemp-derived cannabinoids, including cannabidiol. The term does not include low-THC cannabis regulated under Chapter 487.

SECTION 3. Subchapter A, Chapter 443, Health and Safety Code, is amended by adding Section 443.0015 to read as follows:

Sec. 443.0015. OFFENSE: SALE, TRANSFER, OR DELIVERY OF CONSUMABLE HEMP PRODUCTS. (a) A person commits an offense if the person:

(1) sells, offers for sale, transfers, or delivers a consumable hemp product; or

(2) provides a consumable hemp product by courier, delivery, or mail service.

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

2 SECTION 4. Section 121.003(a), Agriculture Code, is amended
3 to read as follows:

4 (a) The department, after consulting with the governor and
5 attorney general, shall develop a state plan to monitor and
6 regulate the production of hemp in this state. The plan must comply
7 with:

8 (1) 7 U.S.C. Section 1639p; and

9 (2) Chapter 122[~~;~~ and

10 [~~(3) Chapter 443, Health and Safety Code~~].

11 SECTION 5. Section 122.001(3), Agriculture Code, is amended
12 to read as follows:

13 (3) "Handle" means to possess or store a hemp plant:

14 (A) on premises owned, operated, or controlled by
15 a license holder for any period of time; or

16 (B) in a vehicle for any period of time other than
17 during the actual transport of the plant from a premises owned,
18 operated, or controlled by a license holder to[~~;~~ +

19 [~~(i)~~] a premises owned, operated, or
20 controlled by another license holder[~~;~~ or

21 [~~(ii) a person licensed under Chapter 443,~~
22 ~~Health and Safety Code~~].

23 SECTION 6. Section 122.101, Agriculture Code, is amended to
24 read as follows:

25 Sec. 122.101. LICENSE REQUIRED[~~;~~ ~~EXCEPTIONS~~]. A [~~(a)~~
26 ~~Except as provided by Subsection (b), a~~] person or the person's
27 agent may not cultivate or handle hemp in this state or transport

1 hemp outside of this state unless the person holds a license under
2 this subchapter.

3 ~~[(b) A person is not required to hold a license under this~~
4 ~~subchapter to manufacture a consumable hemp product in accordance~~
5 ~~with Subtitle A, Title 6, Health and Safety Code.]~~

6 SECTION 7. Section 122.301(b), Agriculture Code, is amended
7 to read as follows:

8 (b) A state agency may not authorize a person to manufacture
9 a product containing hemp for smoking~~[, as defined by Section~~
10 ~~443.001, Health and Safety Code]~~. In this subsection, "smoking"
11 means burning or igniting a substance and inhaling the smoke or
12 heating a substance and inhaling the resulting vapor or aerosol.

13 SECTION 8. Section 411.110(a), Government Code, is amended
14 to read as follows:

15 (a) The Department of State Health Services and the Health
16 and Human Services Commission are entitled to obtain criminal
17 history record information as provided by Subsection (a-1) that
18 relates to a person who is:

19 (1) an applicant for a license or certificate under
20 Chapter 773, Health and Safety Code, an owner or manager of an
21 applicant for an emergency medical services provider license under
22 that chapter, or the holder of a license or certificate under that
23 chapter;

24 (2) an applicant for a license or a license holder
25 under Subchapter I, L, or N, Chapter 431, Health and Safety Code;

26 (3) an applicant for employment at or current employee
27 of:

1 (A) a public health hospital as defined by
2 Section 13.033, Health and Safety Code; or

3 (B) the South Texas Health Care System;

4 (4) an applicant for employment at, current employee
5 of, or person who contracts or may contract to provide goods or
6 services with the Council on Sex Offender Treatment or other
7 division or component of the Health and Human Services Commission
8 that monitors sexually violent predators as described by Section
9 841.003(a), Health and Safety Code; or

10 (5) authorized to access vital records or the vital
11 records electronic registration system under Chapter 191, Health
12 and Safety Code, including an employee of or contractor for the
13 Department of State Health Services, a local registrar, a medical
14 professional, or a funeral director[~~, or~~

15 [~~(6) an applicant for a license or a license holder~~
16 ~~under Subchapter C, Chapter 443, Health and Safety Code].~~

17 SECTION 9. Section 431.043, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 431.043. ACCESS TO RECORDS. A person who is required
20 to maintain records under this chapter or Section 519 or 520(g) of
21 the federal Act or a person who is in charge or custody of those
22 records shall, at the request of the department or a health
23 authority, permit the department or health authority at all
24 reasonable times access to and to copy and verify the records[~~—~~
25 ~~including records that verify that the hemp in a consumable hemp~~
26 ~~product was produced in accordance with Chapter 122, Agriculture~~
27 ~~Code, or 7 U.S.C. Chapter 38, Subchapter VII].~~

1 SECTION 10. Section 60.002, Occupations Code, is amended to
2 read as follows:

3 Sec. 60.002. REQUIREMENTS FOR DIGITAL LICENSES. (a) In
4 this section, "QR code" means a quick response machine-readable
5 code that can be read by a camera, consisting of an array of black
6 and white squares used for storing information or directing or
7 leading a user to additional information.

8 (b) A licensing authority that issues an occupational
9 license may issue a digital license to a license holder. If the
10 licensing authority issues a digital license, the digital license
11 must comply with the following requirements:

12 (1) the digital license must be in a secure format and
13 readily accessible by the license holder through an Internet
14 website and on a wireless communication device;

15 (2) the public must be able to view a license holder's
16 digital license through an Internet website or by using a QR code
17 [~~as defined by Section 443.001, Health and Safety Code~~]; and

18 (3) if the authority contracts with a vendor for the
19 issuance of a digital license, the digital license must be in a
20 format in which the vendor and authority can verify the validity of
21 the license.

22 SECTION 11. The following provisions of the Health and
23 Safety Code are repealed:

24 (1) Section 431.011;

25 (2) Section 431.2211(a-3);

26 (3) the heading to Subchapter A, Chapter 443;

27 (4) Sections 443.001(2), (3), (4), (6), (7), (8), (9),

1 (10), and (11);

2 (5) Sections 443.002, 443.003, and 443.004; and

3 (6) Subchapters B, C, D, and E, Chapter 443.

4 SECTION 12. This Act takes effect September 1, 2025.