



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

*Moody*

Amend Amendment No. \_\_\_\_ by Oliverson to C.S.S.B. No. 3  
(barcode 891071) 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

1 \$2,000;

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

4 (3) both the fine and the confinement.

5 (f) The court shall order:

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

8 (A) perform community service for:

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

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

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

19 (2) the Department of Public Safety to suspend the  
20 driver's license or permit of a minor convicted of an offense under  
21 this section or, if the minor does not have a driver's license or  
22 permit, to deny the issuance of a driver's license or permit for:

23 (A) 30 days, if the minor has not been previously  
24 convicted of an offense under this section;

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

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

29 (g) Community service ordered under Subsection (f) must be  
30 related to education about or prevention of misuse of drugs if a  
31 program or service providing that education or prevention is

1 available in the county in which the court is located. If a program  
2 or service providing that education or prevention is not available  
3 in the county, the court may order community service appropriate  
4 for rehabilitative purposes. The education program under  
5 Subsection (f)(1)(B) is in addition to community service ordered  
6 under this section.

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

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

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

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

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

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