

SENATE JOURNAL

EIGHTY-NINTH LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRD DAY

(Friday, August 1, 2025)

The Senate met at 11:48 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Cook, Creighton, Eckhardt, Flores, Gutierrez, Hall, A. Hinojosa, J. Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Zaffirini.

Absent-excused: Hagenbuch.

The President announced that a quorum of the Senate was present.

Senator Hall offered the invocation as follows:

Our dear heavenly Father, we're so gratefully thankful for this day You've given us. We're thankful for You being here with us to guide and direct us. We pray always You'll look after our troops and first responders that are out there in harm's way so we can be here today doing Your will. We pray You will be with those families that have lost loved ones, injured loved ones, be with them and bring them Your comfort. Guide and direct us as we find solutions for making Texas a better place and a safer place to live. Guide us in all that we say and do. In Christ's name we do pray. Amen.

Senator Zaffirini moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Zaffirini, Senator Hagenbuch was granted leave of absence for today on account of important family business.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 1**.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's calendar.

There was no objection.

CONCLUSION OF MORNING CALL

The President at 11:52 a.m. announced the conclusion of morning call.

SENATE BILL 5 ON THIRD READING

The President laid before the Senate **SB 5** by Senator Perry at this time on its third reading and final passage:

SB 5, Relating to the regulation of certain products derived from hemp, including consumable hemp products and the hemp-derived cannabinoids contained in those products; requiring occupational licenses and registrations; imposing fees; creating criminal offenses; authorizing an administrative penalty.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 8.

Yeas: Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, A. Hinojosa, J. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West.

Nays: Alvarado, Cook, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Zaffirini.

Absent-excused: Hagenbuch.

STATEMENT REGARDING SENATE BILL 5

Senator Blanco submitted the following statement regarding **SB 5**:

In 2019, the Legislature passed House Bill 1325 with a clear goal – to create a legal framework for Texas farmers to grow and sell industrial hemp. It was about opportunity. It was about agriculture. And above all, it was about trust. Trust in a framework that would be responsible and safe. But somewhere along the way, that trust was broken.

Because while most people followed the law in good faith, others didn't. Some saw a loophole. And instead of asking whether it was safe, whether it was responsible, whether it was even legal, they asked how fast they could exploit it and how much money they could make doing it.

And now we're seeing the consequences. Across Texas, synthetic THC products – some more potent than anything found in natural cannabis are being sold on store shelves. And they're being marketed like snacks, packaged like candy and designed to look harmless. It is predatory.

This is what it actually looks like. It looks like elementary school students who thought they were eating sour candy and wound up in the hospital. It looks like a 4-year-old hospitalized because he thought he was eating a chocolate bar. It looks like a wave of emergency calls and poisonings that no parent should ever have to face.

Since 2019, after hemp was deregulated, cannabis-related poisoning calls in Texas have surged 280%. THC-specific calls nearly tripled. And the number of toddlers exposed to these products – children ages 0-5 – went up to 550%. From 150 cases in 2019, to over 800 last year. Children ages 6 to 12 – they saw an 800% spike. In my hometown of El Paso, there were only 4 calls involving cannabis poisoning in children under 18 in 2019. In 2024, that number jumped to 43. That's a 975% increase in 5 years. And 75% of those calls resulted in hospitalizations.

One study found that nearly 1 in 5 kids who ingested cannabis by accident needed pediatric intensive care. The CDC reports that weekly ER visits for cannabis consumption among children have more than tripled since 2019. These are not isolated events. And it's not just the consumption of cannabis. It's what happens after. Kids that are poisoned and hospitalized due to THC and cannabis experience, vomiting, extreme confusion, impaired balance, rapid heart rate, anxiety, poor coordination, dizziness, dilated pupils, slurred speech, and respiratory depression requiring intubation, just to keep the child breathing. In severe cases, toddlers have experienced seizures or even lapsed into a coma.

This is alarming. But, unbelievably, I have heard opponents to this bill ask, "But did anyone die?" Is that what it will take? The loss of a child, that a parent cannot get back? For those of us that are parents. That is unacceptable.

As Legislators responsible for protecting those most vulnerable. As Legislators we should not wait for tragedy and death. That should not be the bar. This is a public health problem and a parental nightmare folded in one.

None of us intended this. It was never the goal of the 2019 hemp bill. It was greed that circumvented law. And they put their profit over the safety of our kids. And now, we have products that kids can't tell apart from their everyday snacks. We can't ignore that. As a Legislator, I won't.

Senate Bill 5 is about fixing what's broken. It protects public health and safety, especially for our kids, without affecting the Compassionate Use Program (TCUP). I've supported the TCUP from the beginning, and I continue to support expanding it.

As a veteran, I've seen what responsible, medically guided cannabis use can mean for people living with PTSD, chronic pain, and serious illness. Those patients shouldn't be left to fend for themselves in vape shops or to self-medicate without guidance. They deserve care from licensed doctors, and this bill preserves that.

Members, I want to make something clear. I believe we need THC regulation for responsible adults with safety standards in place for kids. I believe in personal responsibility and personal liberty. In fact, I'm a joint-author of Senator Johnson's bill that would establish strong regulations for adult-use products.

But that is not the bill before us today. The choice before us is not between banning and regulating. The choice before us is protecting kids now or doing nothing and allowing this crisis to grow. We can't ignore what's happening in our schools, in homes, and in our hospitals.

Senate Bill 5 gives us a chance to act and to act now. We must put our kids first, before the profit of bad actors. So, for these reasons, I will be voting yes on Senate Bill 5.

BLANCO

**COMMITTEE SUBSTITUTE
SENATE BILL 11 ON THIRD READING**

The President laid before the Senate **CSSB 11** by Senator Hughes at this time on its third reading and final passage:

CSSB 11, Relating to the duty of the attorney general to prosecute criminal offenses prescribed by the election laws of this state.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, Nichols, West, Zaffirini.

Absent-excused: Hagenbuch.

REASON FOR VOTE

Senator Nichols submitted the following reason for vote on **CSSB 11**:

I wanted to share my reasoning for voting against Senate Bill 11, relating to the duty of the attorney general to prosecute criminal offenses prescribed by the election laws of this state.

I believe supporting this bill would have violated my oath to preserve and protect the Texas Constitution.

In 2021 the Texas Court of Criminal Appeals held in *State v. Stephens* that Election Code 2730.021 impermissibly delegates a prosecutor's power in the judicial branch to the Attorney General, a member of the executive branch, violating the Separation of Powers Clause.

Although Article IV, Section 22 of the Texas Constitution allows the legislature to assign the Attorney General "other duties," this clause does not transform prosecutorial power, a judicial duty, into an executive duty. Without consent or request for assistance from the local prosecutor, the Attorney General has no authority to independently prosecute criminal cases in trial courts.

Furthermore, Governor Greg Abbott's call for this Special Session included the following, "Legislation proposing a constitutional amendment allowing the Attorney General to prosecute state election crimes." I believe this accurately reflects not only my own opinion, but also his office's correct interpretation of the *Stephens* case, that to empower the Attorney General to prosecute criminal cases independently requires a change in the Texas Constitution.

And lastly, it is worth remembering elected office holders are temporary stewards of the public's trust. No one individual - nor one political party - maintain an eternal monopoly on the levers of government.

NICHOLS

SENATE BILL 12 ON THIRD READING

The President laid before the Senate **SB 12** by Senator Middleton at this time on its third reading and final passage:

SB 12, Relating to the use by a political subdivision of public funds for lobbying activities.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 11, Present-not voting 1.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Present-not voting: Nichols.

Absent-excused: Hagenbuch.

CO-AUTHOR OF SENATE BILL 5

On motion of Senator Perry, Senator Creighton will be shown as Co-author of **SB 5**.

RECESS

On motion of Senator Zaffirini, the Senate at 1:41 p.m. recessed until 4:00 p.m. Monday, August 4, 2025.

APPENDIX

BILLS ENGROSSED

August 1, 2025

SB 5, SB 11, SB 12

