



The Hemp Farming Act

HB 1325 authored by Representative Tracy O. King | Sponsored by Senator Charles Perry

Passed Unanimously in Both Chambers and Signed by the Governor on June 10th, 2019

HB 1325 promotes the cultivating and processing hemp, the development of new commercial markets for farmers and businesses through the sale of hemp products, promoting the expansion of this state's hemp industry, allowing farmers and businesses to cultivate, handle, and process hemp and sell hemp products for commercial purposes while encouraging and empowering research into hemp production and hemp products at institutions of higher education and in the private sector so that Texas and its citizens can move to the forefront of the hemp industry.

The bill removes "hemp" and "tetrahydrocannabinols or other substances in hemp" from the definition of "controlled substance," and excludes "hemp" and "a hemp product" from the definition of "marihuana" under state law.

"Hemp" is defined as the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

"Hemp products" are defined to include cosmetics, personal care products, food intended for human or animal consumption, cloth, cordage, fiber, fuel, paper, particleboard, plastics, and any products containing one or more hemp derived cannabinoids such as cannabidiol. The processing or manufacturing of a hemp product for smoking is prohibited.

The bill provides that derivatives of hemp, such as cannabidiol (CBD), may be added to products intended for human or animal consumption, personal care products, and cosmetics. The bill further provides that such additions are not considered an adulteration of these products under state law. The bill outlines what must be included on packaging labels, including QR codes for tracking. The Department of State Health Services has primary jurisdiction over the processing, manufacturing, packaging, transportation, sale, and use of consumable hemp products in this state.

The bill addresses cultivation and processing; requires rules to be established to promote cultivation, processing, and commercial sale. Including:

- Hemp and hemp products will be randomly tested pre-harvest and post-harvest by third party laboratories to ensure they meet the 0.3% threshold of THC is met. Any non-compliant hemp or hemp products will be disposed of, processed into compliant product or any other corrective action consistent with federal regulations
- Only licensed farmers can grow hemp. Fees set by the state must be reasonable.
- Land where hemp is grown must be tracked by the state.
- The state will create a seed certification program. the department may partner with a private entity or an institution of higher education to test seed for the purpose of certification.

The bill requires the Department to submit a state plan to the USDA for the production of hemp pursuant to the 2018 farm bill.



Limited Expansion of the Texas Compassionate Use Program

Authored by Rep. Stephanie Klick | Sponsored by Sen. Donna Campbell

*Passed with Bipartisan Super Majority in the House and Unanimously
by the Senate. Signed by the Governor on June 14th, 2019.*

Patient Access

- Maintains dosing restriction of .5% THC, but removes restrictions on all other cannabinoids.
- Expands qualifying conditions to include all epilepsy and seizure disorders, multiple sclerosis, spasticity, terminal cancer, incurable neurological disorders (Alzheimer's, Parkinson's, Huntington's, etc.), autism, and amyotrophic lateral sclerosis (ALS).

Participating Physicians

- Requires participating physicians be board certified in a medical specialty relevant to the treatment of the patient's particular medical condition by a specialty board approved by the American Board of Medical Specialties or the Bureau of Osteopathic Specialists and dedicates a significant portion of clinical practice to the evaluation and treatment of the patient's particular medical condition.
- Attempts to protect participating physicians by defining a "prescription" for medical use of low-THC cannabis as an entry in the compassionate-use registry.
- Removes the requirement for approval from a second physician.





“I don't want to see our jails stock piled with people who have possession of small amounts of marijuana.” - Governor Greg Abbott, 9/28/18

Penalties and Collateral Consequences for Marijuana Possession

Texas arrests more than 60,000 people annually for marijuana possession. Of those arrested, an estimated **41,000 people were convicted** of marijuana possession and will carry a criminal record for life. More than 60% of those arrested are high school and college age youth.

Penalty/Collateral Consequence	Class B (Current Law)	Class C Misd.	Civil Penalty (HB 63)
Fine	Up to \$2,000	Up to \$500	Up to \$250
Arrest	Yes	Yes	No
Jail Time	Up to 180 Days	No	No
Permanent Criminal Record	Yes	Yes	No
Drivers License Suspension¹	Yes	Yes	No
License To Carry Suspended² (7yrs.)	Yes	Yes	No
Court Appointed Attorney	Yes	No	No
Financial Aid Affected³	Yes	Yes	No
Military Service Jeopardized⁴	Yes	Yes	No
Naturalization Jeopardized⁵	Yes	Yes	No
Housing Options Limited⁶	Yes	Yes	No
Professional Licensing Affected⁷	Yes	Yes	No
Work Visa Denied⁸	Yes		No

Texas GOP Platform Plank #107:

"We support a change in the law to make it a civil, and not a criminal, offense for legal adults only to possess one ounce or less of marijuana for personal use, punishable by a fine of up to \$100, but without jail time."
(Approved by 83% of delegates.)

¹ Individuals convicted of a drug or controlled substance offense will have their driver's license suspended for 180 days.
<https://www.dps.texas.gov/DriverLicense/DrugOffenses.htm>

² State law requires DPS to suspend a license, if the license holder is charged with a Class A, or Class B misdemeanor offense.
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.411.htm#411.187>

³ According to the U.S. Department of Education: "Is it true that drug convictions might affect my ability to get federal student aid? Yes; your eligibility might be suspended if the offense occurred while you were receiving federal student aid (grants, loans, or work-study)."
<https://studentaid.ed.gov/sa/eligibility/criminal-convictions#drug-convictions>

⁴ Whether someone with a misdemeanor record may enlist in the U.S. Armed Services depends on several factors, including the nature, number, seriousness, and circumstances of the crime and when they were committed. Some crimes, unless expunged, are a bar to enlistment.
<https://www.cga.ct.gov/2005/rpt/2005-R-0556.htm>

⁵ 8 USC sec. 1227(a)(2)(B)

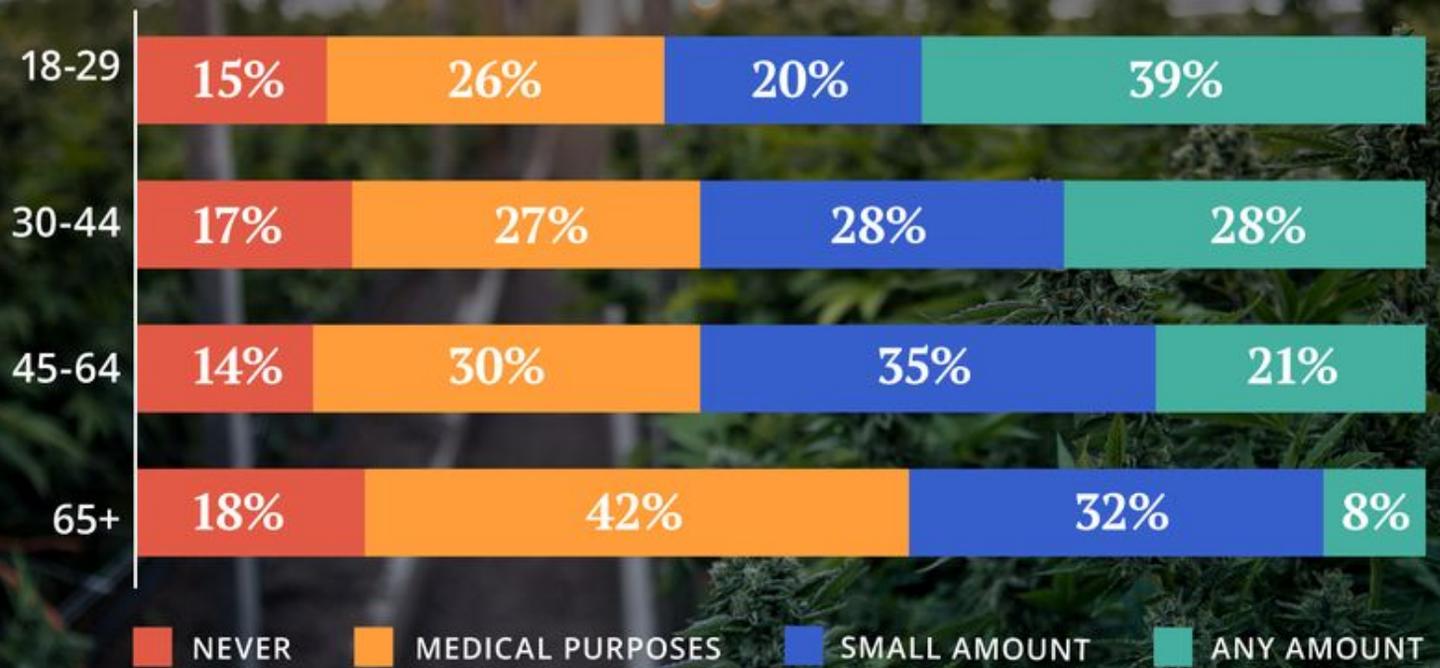
⁶ "PHA/owner has discretion to admit applicants with a history of drug-related offenses..."
<https://affordablehousingonline.com/guide/criminal-records-housing/hud-requirements>

⁷ <https://www.tdlr.texas.gov/crimconvict.htm>

⁸ If a Texas resident and U.S. Citizen wishes to work overseas for which a work visa is required they often must undergo a criminal background check and must provide a "certificate of good conduct" or "lack of a criminal record".
<https://travel.state.gov/content/travel/en/international-travel/while-abroad/criminal-record-checks.html>

UT/TT POLL

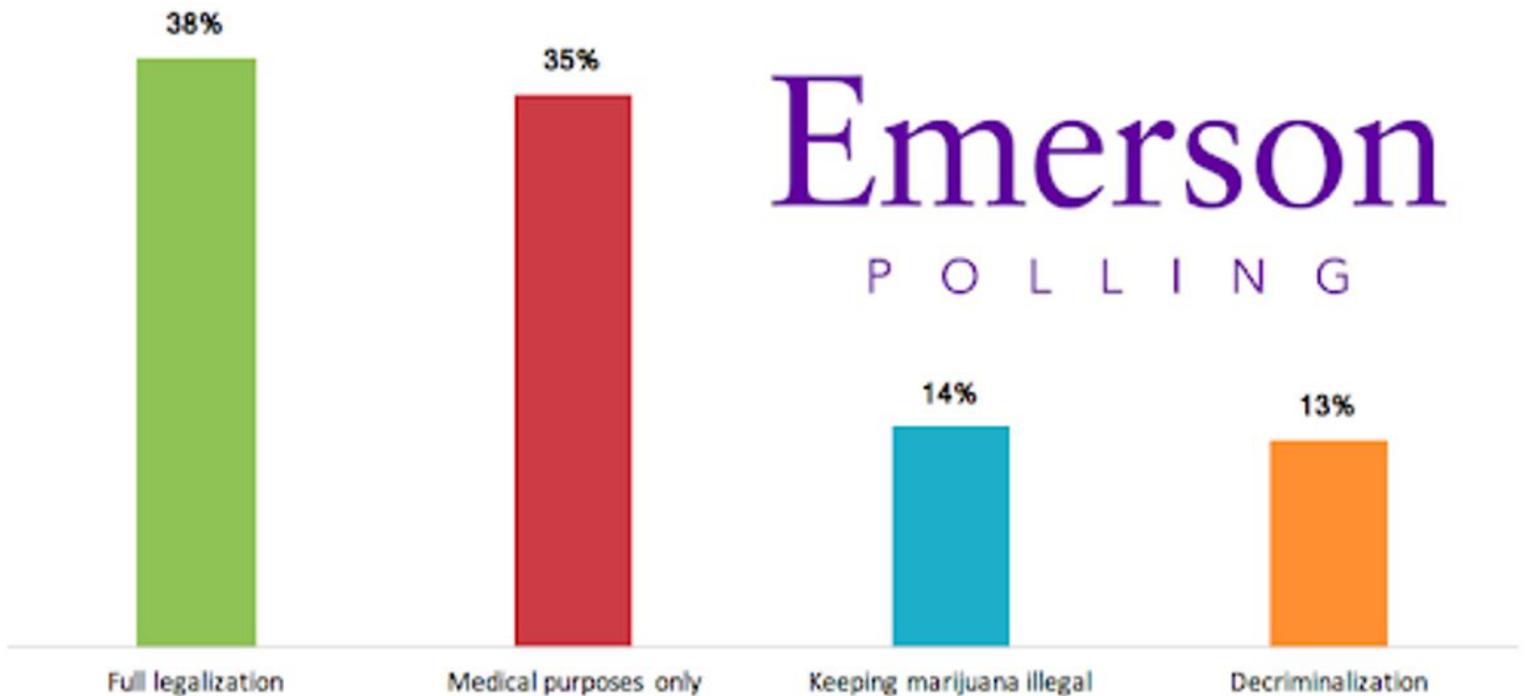
Should marijuana be legal in Texas?



University of Texas/Texas Tribune Poll, June 2018. MOE +/- 2.85 percentage points

Which of the following marijuana policies do you favor?

Texas, April 25-28, MM, RV, n=799, +/- 3.4%



Emerson
P O L L I N G

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