

## **Marijuana Bills Filed in the 84th Session of the Texas Legislature**

Current law says marijuana possession of 0-2 ounces is a class B misdemeanor punishable by up to 180 days in jail and \$2,000 in fines.

County jurisdictions have the option to use a cite-and-release program passed into law in 2007. Although 0-2 ounces of marijuana possession remains a class B misdemeanor, jurisdictions may cite the offender who is required to appear before court in a limited amount of time rather than being arrested and processed into jail. Travis County, Harris County, and Dallas have implemented some type of diversion program in order to avoid arresting low-level marijuana offenders, though they operate differently.

### **Criminal Penalties for Marijuana**

#### **HB 325** – *Referred to Criminal Jurisprudence on 2/12*

Author: Representative Wu (D-137)

Description: Makes 0-0.35 ounces of marijuana possession a class C misdemeanor. Class C misdemeanors are similar to speeding tickets where the police officer has the discretion to arrest the offender or write a ticket to appear before a judge at a later date.

#### **HB 414** – *Referred to Criminal Jurisprudence on 2/16*

Author: Representative Dutton (D-142)

Description: Makes 0-1 ounce of marijuana possession a class C misdemeanor. Class C misdemeanors are similar to speeding tickets where the police officer has the discretion to arrest the offender or write a ticket to appear before a judge at a later date.

#### **HB 507** – *Referred to Criminal Jurisprudence on 2/16*

Author: Representative Moody (D-78)

Description: Creates a civil penalty for 0-1 ounce of marijuana possession. HB 507 is different from the two described above in that it eliminates the criminal conviction and the collateral consequences of that conviction, including loss of a driver's license for six to twelve months, loss of student financial aid, and harm to employment and housing options.

#### **SB 1417**

Author: Sen. Ellis (D-13)

Description: Companion to HB 507.

#### **HB 1115** – *Referred to Criminal Jurisprudence on 3/2*

Author: Representative Thompson (D-141)

Description: In 2007, the Texas Legislature passed a law that allowed county jurisdictions to implement a cite-and-release option for certain class A and class B misdemeanors, including the possession of less than 4 ounces of marijuana. Most counties have not implemented the program that would allow officers to issue a citation for class A and B misdemeanors. HB 1115 would revise state law to make cite-and-release a requirement for state law enforcement officers and university police.

#### **HB 2165** – *Referred to Criminal Jurisprudence on 3/12*

Author: Representative Simpson (R-7)

Description: Removes language from Texas Statutes relating to marijuana possession, manufacture, and delivery so that they are no longer considered crimes.

### **Medical Marijuana**

#### **HB 892** – *Referred to Public Health on 2/25*

Author: Representative Klick (R-91), Representative Zedler (R-96), Representative Zerwas (R-28), Representative Coleman (D-147), Representative Sheffield (R-59)

Description: Creates a program to oversee the cultivation of a low-THC strain of medical marijuana for use by Texans with intractable epilepsy. The regulations require that the physicians who would prescribe the medicine be registered with the state and they must be neurologists specialized in epilepsy. Patients must have failed other FDA approved treatment options to be considered for the program.

**SB 339** – *Referred to Health & Human Services on 2/18*

Author: Senator Eltife (R-1)

Description: Companion to HB 892.

**HB 837** – *Referred to Public Health on 3/3*

Author: Representative Naishtat (D-49)

Description: Would allow an affirmative defense to the charge of marijuana possession if the offender was found to be using the marijuana for a medical necessity and had been doing so on the advice of their medical professional.

**HB 3785** – *Referred to Public Health on 3/23*

Author: Representative Márquez (D-77)

Description: Allows for the medical use of marijuana upon the recommendation of a physician for qualifying conditions including cancer, glaucoma, HIV/AIDS, ulcerative colitis, Crohn's disease, Alzheimer's, post-traumatic stress disorder, epilepsy or other seizure disorders, and multiple sclerosis and other disorders causing muscle spasms.

**SB 1839**

Author: Senator Menéndez (D-26)

Description: Companion to HB 3785.

**Please contact Republicans Against Marijuana Prohibition (RAMP) with any questions at [info@rampgop.org](mailto:info@rampgop.org).**