

By: Thompson of Brazoria

H.B. No. 114

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the possession, use, or delivery of marihuana or
3 e-cigarettes on or near public school property or at certain school
4 events.

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

6 SECTION 1. Section 37.006, Education Code, is amended by
7 amending Subsection (a) and adding Subsection (d-1) to read as
8 follows:

9 (a) A student shall be removed from class and placed in a
10 disciplinary alternative education program as provided by Section
11 37.008 if the student:

12 (1) engages in conduct involving a public school that
13 contains the elements of the offense of false alarm or report under
14 Section 42.06, Penal Code, or terroristic threat under Section
15 22.07, Penal Code; or

16 (2) commits the following on or within 300 feet of
17 school property, as measured from any point on the school's real
18 property boundary line, or while attending a school-sponsored or
19 school-related activity on or off of school property:

20 (A) engages in conduct punishable as a felony;

21 (B) engages in conduct that contains the elements
22 of the offense of assault under Section 22.01(a)(1), Penal Code;

23 (C) sells, gives, or delivers to another person
24 or possesses or uses or is under the influence of:

1 (i) [~~marihuana or~~] a controlled substance,
2 as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
3 Section 801 et seq.; or

4 (ii) a dangerous drug, as defined by
5 Chapter 483, Health and Safety Code;

6 (C-1) sells, gives, or delivers marihuana to
7 another person;

8 (D) sells, gives, or delivers to another person
9 an alcoholic beverage, as defined by Section 1.04, Alcoholic
10 Beverage Code, commits a serious act or offense while under the
11 influence of alcohol, or possesses, uses, or is under the influence
12 of an alcoholic beverage;

13 (E) engages in conduct that contains the elements
14 of an offense relating to an abusable volatile chemical under
15 Sections 485.031 through 485.034, Health and Safety Code;

16 (F) engages in conduct that contains the elements
17 of the offense of public lewdness under Section 21.07, Penal Code,
18 or indecent exposure under Section 21.08, Penal Code; or

19 (G) engages in conduct that contains the elements
20 of the offense of harassment under Section 42.07(a)(1), (2), (3),
21 or (7), Penal Code, against an employee of the school district.

22 (d-1) In addition to Subsections (a), (b), (c), and (d), a
23 student may be removed from class and placed in a disciplinary
24 alternative education program under Section 37.008 if the student
25 possesses, uses, or is under the influence of marihuana on or within
26 300 feet of school property, as measured from any point on the
27 school's real property boundary line, or while attending a

1 school-sponsored or school-related activity on or off of school
2 property. A school district shall require a student who engages in
3 conduct described by this subsection, not later than 30 days after
4 the date the conduct occurs, to complete an agency-approved drug
5 and alcohol awareness program, which may be offered in-person or
6 online.

7 SECTION 2. Section 38.006, Education Code, is amended by
8 adding Subsection (c) to read as follows:

9 (c) If a school administrator, school resource officer, or
10 school district peace officer observes the use, possession, or
11 delivery of an e-cigarette by a student on school property or at a
12 school-related or school-sanctioned activity on or off school
13 property, the administrator or officer may:

- 14 (1) confiscate and dispose of the e-cigarette; and
15 (2) notify the appropriate local law enforcement
16 agency of the student's conduct constituting an offense under
17 Section 161.252, Health and Safety Code, or Section 48.01, Penal
18 Code.

19 SECTION 3. Not later than October 1, 2023, the Texas
20 Education Agency shall approve one or more drug or alcohol
21 awareness programs for purposes of Section 37.006(d-1), Education
22 Code, as added by this Act.

23 SECTION 4. This Act takes effect September 1, 2023.