

By: Wu

H.B. No. 1341

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to repealing certain offenses and removing certain  
3 regulations relating to the cultivation, manufacture, delivery,  
4 and possession of marihuana and cannabis.

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

6 SECTION 1. The following provisions are repealed:

- 7 (1) Section 122.103(c), Agriculture Code;  
8 (2) Section 122.358, Agriculture Code;  
9 (3) Article 13.22, Code of Criminal Procedure;  
10 (4) Sections 443.202(a), 443.2025(a), 481.111(e), and  
11 481.111(f), Health and Safety Code;  
12 (5) Sections 481.120 and 481.121, Health and Safety  
13 Code;  
14 (6) Chapter 487, Health and Safety Code; and  
15 (7) Chapter 169, Occupations Code.

16 SECTION 2. Section 122.354, Agriculture Code, is amended to  
17 read as follows:

18 Sec. 122.354. DEPARTMENT RULES. The department, in  
19 consultation with the Department of Public Safety, shall adopt  
20 rules regulating the transportation of hemp in this state [~~to~~  
21 ~~ensure that illegal marihuana is not transported into or through~~  
22 ~~this state disguised as legal hemp~~].

23 SECTION 3. Article 14.06(d), Code of Criminal Procedure, is  
24 amended to read as follows:

1 (d) Subsection (c) applies only to a person charged with  
2 committing an offense under:

3 (1) [~~Section 481.121, Health and Safety Code, if the~~  
4 ~~offense is punishable under Subsection (b)(1) or (2) of that~~  
5 ~~section;~~

6 [(1-a)] Section 481.1161, Health and Safety Code, if  
7 the offense is punishable under Subsection (b)(1) or (2) of that  
8 section;

9 (2) Section 28.03, Penal Code, if the offense is  
10 punishable under Subsection (b)(2) of that section;

11 (3) Section 28.08, Penal Code, if the offense is  
12 punishable under Subsection (b)(2) or (3) of that section;

13 (4) Section 31.03, Penal Code, if the offense is  
14 punishable under Subsection (e)(2)(A) of that section;

15 (5) Section 31.04, Penal Code, if the offense is  
16 punishable under Subsection (e)(2) of that section;

17 (6) Section 38.114, Penal Code, if the offense is  
18 punishable as a Class B misdemeanor; or

19 (7) Section 521.457, Transportation Code.

20 SECTION 4. Article 15.27(h), Code of Criminal Procedure, is  
21 amended to read as follows:

22 (h) This article applies to any felony offense and the  
23 following misdemeanors:

24 (1) an offense under Section 20.02, 21.08, 22.01,  
25 22.05, 22.07, or 71.02, Penal Code;

26 (2) the unlawful use, sale, or possession of a  
27 controlled substance or [7] drug paraphernalia [~~or marijuana~~], as

1 defined by Chapter 481, Health and Safety Code; or

2 (3) the unlawful possession of any of the weapons or  
3 devices listed in Sections 46.01(1)-(14) or (16), Penal Code, or a  
4 weapon listed as a prohibited weapon under Section 46.05, Penal  
5 Code.

6 SECTION 5. Article 18A.101, Code of Criminal Procedure, is  
7 amended to read as follows:

8 Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE  
9 ISSUED. A judge of competent jurisdiction may issue an  
10 interception order only if the prosecutor applying for the order  
11 shows probable cause to believe that the interception will provide  
12 evidence of the commission of:

13 (1) a felony under any of the following provisions of  
14 the Health and Safety Code:

15 (A) Chapter 481 [~~other than felony possession of~~  
16 ~~marihuana~~];

17 (B) Chapter 483; or

18 (C) Section 485.032;

19 (2) an offense under any of the following provisions  
20 of the Penal Code:

21 (A) Section 19.02;

22 (B) Section 19.03;

23 (C) Section 20.03;

24 (D) Section 20.04;

25 (E) Chapter 20A;

26 (F) Chapter 34, if the criminal activity giving  
27 rise to the proceeds involves the commission of an offense under

1 Title 5, Penal Code, or an offense under federal law or the laws of  
2 another state containing elements that are substantially similar to  
3 the elements of an offense under Title 5;

4 (G) Section 38.11;

5 (H) Section 43.04;

6 (I) Section 43.041;

7 (J) Section 43.05; or

8 (K) Section 43.26; or

9 (3) an attempt, conspiracy, or solicitation to commit  
10 an offense listed in Subdivision (1) or (2).

11 SECTION 6. Article 42A.514(a), Code of Criminal Procedure,  
12 is amended to read as follows:

13 (a) If a judge grants community supervision to a defendant  
14 younger than 18 years of age convicted of an alcohol-related  
15 offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or  
16 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or  
17 an offense involving possession of a controlled substance [~~or~~  
18 ~~marihuana~~] under Section 481.115, 481.1151, 481.116, 481.1161,  
19 481.117, or 481.118, [~~or 481.121~~] Health and Safety Code, the  
20 judge may require the defendant as a condition of community  
21 supervision to successfully complete, as appropriate:

22 (1) an alcohol awareness program under Section  
23 106.115, Alcoholic Beverage Code, that is regulated by the Texas  
24 Department of Licensing and Regulation under Chapter 171,  
25 Government Code; or

26 (2) a drug education program that is designed to  
27 educate persons on the dangers of drug abuse in accordance with

1 Section 521.374(a)(1), Transportation Code, and that is regulated  
2 by the Texas Department of Licensing and Regulation under Chapter  
3 171, Government Code.

4 SECTION 7. Articles 42A.551(a) and (c), Code of Criminal  
5 Procedure, are amended to read as follows:

6 (a) Except as otherwise provided by Subsection (b) or (c),  
7 on conviction of a state jail felony under Section 481.115(b),  
8 481.1151(b)(1), 481.116(b), 481.1161(b)(3), [~~481.121(b)(3),~~] or  
9 481.129(g)(1), Health and Safety Code, that is punished under  
10 Section 12.35(a), Penal Code, the judge shall suspend the  
11 imposition of the sentence and place the defendant on community  
12 supervision.

13 (c) Subsection (a) does not apply to a defendant who:

14 (1) under Section 481.1151(b)(1), Health and Safety  
15 Code, possessed more than five abuse units of the controlled  
16 substance; or

17 (2) under Section 481.1161(b)(3), Health and Safety  
18 Code, possessed more than one pound, by aggregate weight, including  
19 adulterants or dilutants, of the controlled substance [~~, or~~

20 [~~(3) under Section 481.121(b)(3), Health and Safety~~  
21 ~~Code, possessed more than one pound of marijuana].~~

22 SECTION 8. Article 42A.555(a), Code of Criminal Procedure,  
23 is amended to read as follows:

24 (a) A judge assessing punishment in a state jail felony case  
25 may impose as a condition of community supervision that a defendant  
26 submit at the beginning of the period of community supervision to a  
27 term of confinement in a state jail felony facility for a term of:

- 1           (1) not less than 90 days or more than 180 days; or  
2           (2) not less than 90 days or more than one year, if the  
3 defendant is convicted of an offense punishable as a state jail  
4 felony under Section 481.112, 481.1121, or 481.113, [~~or 481.120,~~]  
5 Health and Safety Code.

6           SECTION 9. Section 37.005(c), Education Code, is amended to  
7 read as follows:

8           (c) A student who is enrolled in a grade level below grade  
9 three may not be placed in out-of-school suspension unless while on  
10 school property or while attending a school-sponsored or  
11 school-related activity on or off of school property, the student  
12 engages in:

13           (1) conduct that contains the elements of an offense  
14 related to weapons under Section 46.02 or 46.05, Penal Code;

15           (2) conduct that contains the elements of a violent  
16 offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code;  
17 or

18           (3) selling, giving, or delivering to another person  
19 or possessing, using, or being under the influence of any amount of:

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

23           (B) a dangerous drug, as defined by Chapter 483,  
24 Health and Safety Code; or

25           (C) an alcoholic beverage, as defined by Section  
26 1.04, Alcoholic Beverage Code.

27           SECTION 10. Section 37.006(a), Education Code, is amended

1 to read as follows:

2 (a) A student shall be removed from class and placed in a  
3 disciplinary alternative education program as provided by Section  
4 37.008 if the student:

5 (1) engages in conduct involving a public school that  
6 contains the elements of the offense of false alarm or report under  
7 Section 42.06, Penal Code, or terroristic threat under Section  
8 22.07, Penal Code; or

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

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

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

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

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

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

23 (D) sells, gives, or delivers to another person  
24 an alcoholic beverage, as defined by Section 1.04, Alcoholic  
25 Beverage Code, commits a serious act or offense while under the  
26 influence of alcohol, or possesses, uses, or is under the influence  
27 of an alcoholic beverage;

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

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

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

10 SECTION 11. Section 37.007(b), Education Code, is amended  
11 to read as follows:

12 (b) A student may be expelled if the student:

13 (1) engages in conduct involving a public school that  
14 contains the elements of the offense of false alarm or report under  
15 Section 42.06, Penal Code, or terroristic threat under Section  
16 22.07, Penal Code;

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

21 (A) sells, gives, or delivers to another person  
22 or possesses, uses, or is under the influence of any amount of:

23 (i) ~~marjuana or~~ a controlled substance,  
24 as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.  
25 Section 801 et seq.;

26 (ii) a dangerous drug, as defined by  
27 Chapter 483, Health and Safety Code; or



1 (iii) an alcoholic beverage, as defined by  
2 Section 1.04, Alcoholic Beverage Code;

3 (B) engages in conduct that contains the elements  
4 of an offense relating to an abusable volatile chemical under  
5 Sections 485.031 through 485.034, Health and Safety Code;

6 (C) engages in conduct that contains the elements  
7 of an offense under Section 22.01(a)(1), Penal Code, against a  
8 school district employee or a volunteer as defined by Section  
9 22.053; or

10 (D) engages in conduct that contains the elements  
11 of the offense of deadly conduct under Section 22.05, Penal Code;

12 (3) subject to Subsection (d), while within 300 feet  
13 of school property, as measured from any point on the school's real  
14 property boundary line:

15 (A) engages in conduct specified by Subsection  
16 (a); or

17 (B) possesses a firearm, as defined by 18 U.S.C.  
18 Section 921;

19 (4) engages in conduct that contains the elements of  
20 any offense listed in Subsection (a)(2)(A) or (C) or the offense of  
21 aggravated robbery under Section 29.03, Penal Code, against another  
22 student, without regard to whether the conduct occurs on or off of  
23 school property or while attending a school-sponsored or  
24 school-related activity on or off of school property; or

25 (5) engages in conduct that contains the elements of  
26 the offense of breach of computer security under Section 33.02,  
27 Penal Code, if:

1 (A) the conduct involves accessing a computer,  
2 computer network, or computer system owned by or operated on behalf  
3 of a school district; and

4 (B) the student knowingly:

5 (i) alters, damages, or deletes school  
6 district property or information; or

7 (ii) commits a breach of any other  
8 computer, computer network, or computer system.

9 SECTION 12. Section 37.015(a), Education Code, is amended  
10 to read as follows:

11 (a) The principal of a public or private primary or  
12 secondary school, or a person designated by the principal under  
13 Subsection (d), shall notify any school district police department  
14 and the police department of the municipality in which the school is  
15 located or, if the school is not in a municipality, the sheriff of  
16 the county in which the school is located if the principal has  
17 reasonable grounds to believe that any of the following activities  
18 occur in school, on school property, or at a school-sponsored or  
19 school-related activity on or off school property, whether or not  
20 the activity is investigated by school security officers:

21 (1) conduct that may constitute an offense listed  
22 under Section 508.149, Government Code;

23 (2) deadly conduct under Section 22.05, Penal Code;

24 (3) a terroristic threat under Section 22.07, Penal  
25 Code;

26 (4) the use, sale, or possession of a controlled  
27 substance or [7] drug paraphernalia [~~7~~ ~~or marijuana~~] under Chapter

1 481, Health and Safety Code;

2 (5) the possession of any of the weapons or devices  
3 listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal  
4 Code;

5 (6) conduct that may constitute a criminal offense  
6 under Section 71.02, Penal Code; or

7 (7) conduct that may constitute a criminal offense for  
8 which a student may be expelled under Section 37.007(a), (d), or  
9 (e).

10 SECTION 13. Section 37.016, Education Code, is amended to  
11 read as follows:

12 Sec. 37.016. REPORT OF DRUG OFFENSES; LIABILITY. A  
13 teacher, school administrator, or school employee is not liable in  
14 civil damages for reporting to a school administrator or  
15 governmental authority, in the exercise of professional judgment  
16 within the scope of the teacher's, administrator's, or employee's  
17 duties, a student whom the teacher suspects of using, passing, or  
18 selling, on school property:

19 (1) [~~marihuana or~~] a controlled substance, as defined  
20 by Chapter 481, Health and Safety Code;

21 (2) a dangerous drug, as defined by Chapter 483,  
22 Health and Safety Code;

23 (3) an abusable glue or aerosol paint, as defined by  
24 Chapter 485, Health and Safety Code, or a volatile chemical, as  
25 listed in Chapter 484, Health and Safety Code, if the substance is  
26 used or sold for the purpose of inhaling its fumes or vapors; or

27 (4) an alcoholic beverage, as defined by Section 1.04,

1 Alcoholic Beverage Code.

2 SECTION 14. Section 53.03(h-1), Family Code, is amended to  
3 read as follows:

4 (h-1) If the child is alleged to have engaged in delinquent  
5 conduct or conduct indicating a need for supervision that violates  
6 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, or 481.118,  
7 [~~or 481.121,~~] Health and Safety Code, deferred prosecution under  
8 this section may include a condition that the child successfully  
9 complete a drug education program that is designed to educate  
10 persons on the dangers of drug abuse in accordance with Section  
11 521.374(a)(1), Transportation Code, and that is regulated by the  
12 Texas Department of Licensing and Regulation under Chapter 171,  
13 Government Code.

14 SECTION 15. Section 54.047(a), Family Code, is amended to  
15 read as follows:

16 (a) If the court or jury finds at an adjudication hearing  
17 for a child that the child engaged in delinquent conduct or conduct  
18 indicating a need for supervision that constitutes a violation of  
19 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, or 481.118,  
20 [~~or 481.121,~~] Health and Safety Code, the court may order that the  
21 child successfully complete a drug education program that is  
22 designed to educate persons on the dangers of drug abuse in  
23 accordance with Section 521.374(a)(1), Transportation Code, and  
24 that is regulated by the Texas Department of Licensing and  
25 Regulation under Chapter 171, Government Code.

26 SECTION 16. Section 161.001(c), Family Code, as amended by  
27 Chapters 8 (H.B. 567) and 29 (H.B. 2536), Acts of the 87th

1 Legislature, Regular Session, 2021, is reenacted and amended to  
2 read as follows:

3 (c) Evidence of one or more of the following does not  
4 constitute clear and convincing evidence sufficient for a court to  
5 make a finding under Subsection (b) and order termination of the  
6 parent-child relationship:

7 (1) the parent homeschooled the child;

8 (2) the parent is economically disadvantaged;

9 (3) the parent has been charged with a nonviolent  
10 misdemeanor offense other than:

11 (A) an offense under Title 5, Penal Code;

12 (B) an offense under Title 6, Penal Code; or

13 (C) an offense that involves family violence, as  
14 defined by Section 71.004 of this code;

15 (4) the parent provided or administered marihuana or  
16 [~~low-THC~~] cannabis to a child for whom marihuana or [the low-THC]  
17 cannabis was recommended or prescribed by a medical practitioner  
18 for a medical condition [under Chapter 169, Occupations Code];

19 (5) the parent declined immunization for the child for  
20 reasons of conscience, including a religious belief; ~~or~~

21 (6) the parent sought an opinion from more than one  
22 medical provider relating to the child's medical care, transferred  
23 the child's medical care to a new medical provider, or transferred  
24 the child to another health care facility; or

25 (7) [~~(6)~~] the parent allowed the child to engage in  
26 independent activities that are appropriate and typical for the  
27 child's level of maturity, physical condition, developmental

1 abilities, or culture.

2 SECTION 17. Section 262.116(a), Family Code, as amended by  
3 Chapters 8 (H.B. 567) and 29 (H.B. 2536), Acts of the 87th  
4 Legislature, Regular Session, 2021, is reenacted and amended to  
5 read as follows:

6 (a) The Department of Family and Protective Services may not  
7 take possession of a child under this subchapter based on evidence  
8 that the parent:

9 (1) homeschooled the child;

10 (2) is economically disadvantaged;

11 (3) has been charged with a nonviolent misdemeanor  
12 offense other than:

13 (A) an offense under Title 5, Penal Code;

14 (B) an offense under Title 6, Penal Code; or

15 (C) an offense that involves family violence, as  
16 defined by Section 71.004 of this code;

17 (4) provided or administered marihuana or [~~low-THC~~]  
18 cannabis to a child for whom marihuana or [~~the low-THC~~] cannabis was  
19 recommended or prescribed by a medical practitioner for a medical  
20 condition [~~under Chapter 169, Occupations Code~~];

21 (5) declined immunization for the child for reasons of  
22 conscience, including a religious belief; [~~or~~]

23 (6) sought an opinion from more than one medical  
24 provider relating to the child's medical care, transferred the  
25 child's medical care to a new medical provider, or transferred the  
26 child to another health care facility;

27 (7) [~~(6)~~] allowed the child to engage in independent

1 activities that are appropriate and typical for the child's level  
2 of maturity, physical condition, developmental abilities, or  
3 culture; or

4 (8) [~~(7)~~] tested positive for marihuana, unless the  
5 department has evidence that the parent's use of marihuana has  
6 caused significant impairment to the child's physical or mental  
7 health or emotional development.

8 SECTION 18. Section 76.017(b), Government Code, is amended  
9 to read as follows:

10 (b) The program must:

11 (1) include automatic screening and evaluation of a  
12 person arrested for an offense, other than a Class C misdemeanor, in  
13 which an element of the offense is the use or possession of alcohol  
14 or the use, possession, or sale of a controlled substance [~~or~~  
15 ~~marihuana~~];

16 (2) include automatic screening and evaluation of a  
17 person arrested for an offense, other than a Class C misdemeanor, in  
18 which the use of alcohol or drugs is suspected to have significantly  
19 contributed to the offense for which the individual has been  
20 arrested;

21 (3) coordinate the evaluation and referral to  
22 treatment services; and

23 (4) make referrals for the appropriate treatment of a  
24 person determined to be in need of treatment, including referrals  
25 to a community corrections facility as defined by Section 509.001.

26 SECTION 19. Section 123.002, Government Code, is amended to  
27 read as follows:

1           Sec. 123.002. AUTHORITY TO ESTABLISH PROGRAM.       The  
2 commissioners court of a county or governing body of a municipality  
3 may establish the following types of drug court programs:

4           (1) drug courts for persons arrested for, charged  
5 with, or convicted of:

6                   (A) an offense in which an element of the offense  
7 is the use or possession of alcohol or the use, possession, or sale  
8 of a controlled substance or[7] a controlled substance analogue[7  
9 ~~or marijuana~~]; or

10                   (B) an offense in which the use of alcohol or a  
11 controlled substance is suspected to have significantly  
12 contributed to the commission of the offense and the offense did not  
13 involve:

14                           (i) carrying, possessing, or using a  
15 firearm or other dangerous weapon;

16                           (ii) the use of force against the person of  
17 another; or

18                           (iii) the death of or serious bodily injury  
19 to another;

20           (2) drug courts for juveniles detained for, taken into  
21 custody for, or adjudicated as having engaged in:

22                   (A) delinquent conduct, including habitual  
23 felony conduct, or conduct indicating a need for supervision in  
24 which an element of the conduct is the use or possession of alcohol  
25 or the use, possession, or sale of a controlled substance or[7] a  
26 controlled substance analogue[7 ~~or marijuana~~]; or

27                   (B) delinquent conduct, including habitual



1 felony conduct, or conduct indicating a need for supervision in  
2 which the use of alcohol or a controlled substance is suspected to  
3 have significantly contributed to the commission of the conduct and  
4 the conduct did not involve:

5 (i) carrying, possessing, or using a  
6 firearm or other dangerous weapon;

7 (ii) the use of force against the person of  
8 another; or

9 (iii) the death of or serious bodily injury  
10 to another;

11 (3) reentry drug courts for persons with a  
12 demonstrated history of using alcohol or a controlled substance who  
13 may benefit from a program designed to facilitate the person's  
14 transition and reintegration into the community on release from a  
15 state or local correctional facility;

16 (4) family dependency drug treatment courts for family  
17 members involved in a suit affecting the parent-child relationship  
18 in which a parent's use of alcohol or a controlled substance is a  
19 primary consideration in the outcome of the suit; or

20 (5) programs for other persons not precisely described  
21 by Subdivisions (1)-(4) who may benefit from a program that has the  
22 essential characteristics described by Section [123.001](#).

23 SECTION 20. Section [411.0728](#)(a), Government Code, is  
24 amended to read as follows:

25 (a) This section applies only to a person:

26 (1) who is convicted of or placed on deferred  
27 adjudication community supervision for an offense under:

1 (A) [~~Section 481.120, Health and Safety Code, if~~  
2 ~~the offense is punishable under Subsection (b)(1);~~

3 [~~(B) Section 481.121, Health and Safety Code, if~~  
4 ~~the offense is punishable under Subsection (b)(1);~~

5 [~~(C)~~] Section 31.03, Penal Code, if the offense  
6 is punishable under Subsection (e)(1) or (2); or

7 (B) [~~(D)~~] Section 43.02, Penal Code; and

8 (2) who, if requested by the applicable law  
9 enforcement agency or prosecuting attorney to provide assistance in  
10 the investigation or prosecution of an offense under Section  
11 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense  
12 containing elements that are substantially similar to the elements  
13 of an offense under any of those sections:

14 (A) provided assistance in the investigation or  
15 prosecution of the offense; or

16 (B) did not provide assistance in the  
17 investigation or prosecution of the offense due to the person's age  
18 or a physical or mental disability resulting from being a victim of  
19 an offense described by this subdivision.

20 SECTION 21. Section 411.0891(a), Government Code, is  
21 amended to read as follows:

22 (a) Subject to Section 411.087, the department is  
23 authorized to obtain and use criminal history record information  
24 maintained by the Federal Bureau of Investigation or the department  
25 that relates to a person who:

26 (1) is an applicant for or holds a registration issued  
27 by the director under Subchapter C, Chapter 481, Health and Safety

1 Code, that authorizes the person to manufacture, distribute,  
2 analyze, or conduct research with a controlled substance;

3 (2) ~~[is an applicant for or holds a registration~~  
4 ~~issued by the department under Chapter 487, Health and Safety Code,~~  
5 ~~to be a director, manager, or employee of a dispensing~~  
6 ~~organization, as defined by Section 487.001, Health and Safety~~  
7 ~~Code,~~

8 ~~[(3)]~~ is an applicant for or holds an authorization  
9 issued by the department under Section 521.2476, Transportation  
10 Code, to do business in this state as a vendor of ignition interlock  
11 devices;

12 (3) ~~[(4)]~~ is an applicant for or holds certification  
13 by the department as an inspection station or an inspector under  
14 Subchapter G, Chapter 548, Transportation Code, holds an inspection  
15 station or inspector certificate issued under that subchapter, or  
16 is the owner of an inspection station operating under that chapter;  
17 or

18 (4) ~~[(5)]~~ is an applicant for or holds a certificate  
19 of registration issued by the department under Chapter 1956,  
20 Occupations Code, to act as a metal recycling entity.

21 SECTION 22. Section 411.502, Government Code, is amended to  
22 read as follows:

23 Sec. 411.502. APPLICABILITY. This subchapter applies to a  
24 program, and persons regulated under the program, administered by  
25 the department under the following laws, including rules adopted  
26 under those laws:

27 (1) Section 411.0625;

- 1           (2) [~~Chapter 487, Health and Safety Code,~~  
2           ~~(3)~~] Chapter 1702, Occupations Code;  
3           (3) [~~(4)~~] Chapter 1956, Occupations Code;  
4           (4) [~~(5)~~] Section 521.2476, Transportation Code; and  
5           (5) [~~(6)~~] Subchapter G, Chapter 548, Transportation  
6 Code.

7           SECTION 23. Sections 481.002(17) and (25), Health and  
8 Safety Code, are amended to read as follows:

9           (17) "Drug paraphernalia" means equipment, a product,  
10 or material that is used or intended for use in planting,  
11 propagating, cultivating, growing, harvesting, manufacturing,  
12 compounding, converting, producing, processing, preparing,  
13 testing, analyzing, packaging, repackaging, storing, containing,  
14 or concealing a controlled substance in violation of this chapter  
15 or in injecting, ingesting, inhaling, or otherwise introducing into  
16 the human body a controlled substance in violation of this chapter.  
17 The term includes:

18           (A) a kit used or intended for use in planting,  
19 propagating, cultivating, growing, or harvesting a species of plant  
20 that is a controlled substance or from which a controlled substance  
21 may be derived;

22           (B) a material, compound, mixture, preparation,  
23 or kit used or intended for use in manufacturing, compounding,  
24 converting, producing, processing, or preparing a controlled  
25 substance;

26           (C) an isomerization device used or intended for  
27 use in increasing the potency of a species of plant that is a

1 controlled substance;

2 (D) testing equipment used or intended for use in  
3 identifying or in analyzing the strength, effectiveness, or purity  
4 of a controlled substance;

5 (E) a scale or balance used or intended for use in  
6 weighing or measuring a controlled substance;

7 (F) a dilutant or adulterant, such as quinine  
8 hydrochloride, mannitol, inositol, nicotinamide, dextrose,  
9 lactose, or absorbent, blotter-type material, that is used or  
10 intended to be used to increase the amount or weight of or to  
11 transfer a controlled substance regardless of whether the dilutant  
12 or adulterant diminishes the efficacy of the controlled substance;

13 (G) ~~[a separation gin or sifter used or intended  
14 for use in removing twigs and seeds from or in otherwise cleaning or  
15 refining marijuana,~~

16 ~~[(H)]~~ a blender, bowl, container, spoon, or  
17 mixing device used or intended for use in compounding a controlled  
18 substance;

19 (H) ~~[(I)]~~ a capsule, balloon, envelope, or other  
20 container used or intended for use in packaging small quantities of  
21 a controlled substance;

22 (I) ~~[(J)]~~ a container or other object used or  
23 intended for use in storing or concealing a controlled substance;

24 (J) ~~[(K)]~~ a hypodermic syringe, needle, or other  
25 object used or intended for use in parenterally injecting a  
26 controlled substance into the human body; and

27 (K) ~~[(L)]~~ an object used or intended for use in

1 ingesting, inhaling, or otherwise introducing [~~marihuana,~~  
2 cocaine[, ~~hashish, or hashish oil~~] into the human body, including:

3 (i) a metal, wooden, acrylic, glass, stone,  
4 plastic, or ceramic pipe with or without a screen, permanent  
5 screen, [~~hashish head,~~ or punctured metal bowl;

6 (ii) a water pipe;

7 (iii) a carburetion tube or device;

8 (iv) a smoking or carburetion mask;

9 (v) a chamber pipe;

10 (vi) a carburetor pipe;

11 (vii) an electric pipe;

12 (viii) an air-driven pipe;

13 (ix) a chillum;

14 (x) a bong; or

15 (xi) an ice pipe or chiller.

16 (25) "Manufacture" means the production, preparation,  
17 propagation, compounding, conversion, or processing of a  
18 controlled substance [~~other than marihuana,~~ directly or  
19 indirectly by extraction from substances of natural origin,  
20 independently by means of chemical synthesis, or by a combination  
21 of extraction and chemical synthesis, and includes the packaging or  
22 repackaging of the substance or labeling or relabeling of its  
23 container. However, the term does not include the preparation,  
24 compounding, packaging, or labeling of a controlled substance:

25 (A) by a practitioner as an incident to the  
26 practitioner's administering or dispensing a controlled substance  
27 in the course of professional practice; or

1 (B) by a practitioner, or by an authorized agent  
2 under the supervision of the practitioner, for or as an incident to  
3 research, teaching, or chemical analysis and not for delivery.

4 SECTION 24. Section 481.062, Health and Safety Code, is  
5 amended to read as follows:

6 Sec. 481.062. EXEMPTIONS. [~~a~~] The following persons may  
7 possess a controlled substance under this chapter without  
8 registering with the Federal Drug Enforcement Administration:

9 (1) an agent or employee of a manufacturer,  
10 distributor, analyzer, or dispenser of the controlled substance who  
11 is registered with the Federal Drug Enforcement Administration and  
12 acting in the usual course of business or employment;

13 (2) a common or contract carrier, a warehouseman, or  
14 an employee of a carrier or warehouseman whose possession of the  
15 controlled substance is in the usual course of business or  
16 employment;

17 (3) an ultimate user or a person in possession of the  
18 controlled substance under a lawful order of a practitioner or in  
19 lawful possession of the controlled substance if it is listed in  
20 Schedule V;

21 (4) an officer or employee of this state, another  
22 state, a political subdivision of this state or another state, or  
23 the United States who is lawfully engaged in the enforcement of a  
24 law relating to a controlled substance or drug or to a customs law  
25 and authorized to possess the controlled substance in the discharge  
26 of the person's official duties; or

27 (5) if the substance is tetrahydrocannabinol or one of

1 its derivatives:

2 (A) a Department of State Health Services  
3 official, a medical school researcher, or a research program  
4 participant possessing the substance as authorized under  
5 Subchapter G; or

6 (B) a practitioner or an ultimate user possessing  
7 the substance as a participant in a federally approved therapeutic  
8 research program that the commissioner has reviewed and found, in  
9 writing, to contain a medically responsible research protocol[ ~~or~~

10 [~~(6) a dispensing organization licensed under Chapter~~  
11 ~~487 that possesses low-THC cannabis]~~.

12 SECTION 25. Section 481.111(c), Health and Safety Code, is  
13 amended to read as follows:

14 (c) A person does not violate Section 481.113, 481.116,  
15 481.1161, [~~481.121~~] or 481.125 if the person possesses or delivers  
16 tetrahydrocannabinols or their derivatives, or drug paraphernalia  
17 to be used to introduce tetrahydrocannabinols or their derivatives  
18 into the human body, for use in a federally approved therapeutic  
19 research program.

20 SECTION 26. Section 481.115(h), Health and Safety Code, is  
21 amended to read as follows:

22 (h) The defense to prosecution provided by Subsection (g) is  
23 not available if:

24 (1) at the time the request for emergency medical  
25 assistance was made:

26 (A) a peace officer was in the process of  
27 arresting the actor or executing a search warrant describing the



1 actor or the place from which the request for medical assistance was  
2 made; or

3 (B) the actor is committing another offense,  
4 other than an offense punishable under Section 481.1151(b)(1),  
5 481.116(b), 481.1161(b)(1) or (2), 481.117(b), or 481.118(b), [~~or~~  
6 ~~481.121(b)(1) or (2)~~], or an offense under Section 481.119(b),  
7 481.125(a), 483.041(a), or 485.031(a);

8 (2) the actor has been previously convicted of or  
9 placed on deferred adjudication community supervision for an  
10 offense under this chapter or Chapter 483 or 485;

11 (3) the actor was acquitted in a previous proceeding  
12 in which the actor successfully established the defense under that  
13 subsection or Section 481.1151(c), 481.116(f), 481.1161(c),  
14 481.117(f), 481.118(f), 481.119(c), [~~481.121(c)~~], 481.125(g),  
15 483.041(e), or 485.031(c); or

16 (4) at any time during the 18-month period preceding  
17 the date of the commission of the instant offense, the actor  
18 requested emergency medical assistance in response to the possible  
19 overdose of the actor or another person.

20 SECTION 27. Section 481.1151(d), Health and Safety Code, is  
21 amended to read as follows:

22 (d) The defense to prosecution provided by Subsection (c) is  
23 not available if:

24 (1) at the time the request for emergency medical  
25 assistance was made:

26 (A) a peace officer was in the process of  
27 arresting the actor or executing a search warrant describing the

1 actor or the place from which the request for medical assistance was  
2 made; or

3 (B) the actor is committing another offense,  
4 other than an offense punishable under Section 481.115(b),  
5 481.116(b), 481.1161(b)(1) or (2), 481.117(b), or 481.118(b), [~~or~~  
6 ~~481.121(b)(1) or (2)~~], or an offense under Section 481.119(b),  
7 481.125(a), 483.041(a), or 485.031(a);

8 (2) the actor has been previously convicted of or  
9 placed on deferred adjudication community supervision for an  
10 offense under this chapter or Chapter 483 or 485;

11 (3) the actor was acquitted in a previous proceeding  
12 in which the actor successfully established the defense under that  
13 subsection or Section 481.115(g), 481.116(f), 481.1161(c),  
14 481.117(f), 481.118(f), 481.119(c), [~~481.121(c)~~], 481.125(g),  
15 483.041(e), or 485.031(c); or

16 (4) at any time during the 18-month period preceding  
17 the date of the commission of the instant offense, the actor  
18 requested emergency medical assistance in response to the possible  
19 overdose of the actor or another person.

20 SECTION 28. Section 481.116(g), Health and Safety Code, is  
21 amended to read as follows:

22 (g) The defense to prosecution provided by Subsection (f) is  
23 not available if:

24 (1) at the time the request for emergency medical  
25 assistance was made:

26 (A) a peace officer was in the process of  
27 arresting the actor or executing a search warrant describing the

1 actor or the place from which the request for medical assistance was  
2 made; or

3 (B) the actor is committing another offense,  
4 other than an offense punishable under Section 481.115(b),  
5 481.1151(b)(1), 481.1161(b)(1) or (2), 481.117(b), or 481.118(b),  
6 [~~or 481.121(b)(1) or (2),~~] or an offense under Section 481.119(b),  
7 481.125(a), 483.041(a), or 485.031(a);

8 (2) the actor has been previously convicted of or  
9 placed on deferred adjudication community supervision for an  
10 offense under this chapter or Chapter 483 or 485;

11 (3) the actor was acquitted in a previous proceeding  
12 in which the actor successfully established the defense under that  
13 subsection or Section 481.115(g), 481.1151(c), 481.1161(c),  
14 481.117(f), 481.118(f), 481.119(c), [~~481.121(c),~~] 481.125(g),  
15 483.041(e), or 485.031(c); or

16 (4) at any time during the 18-month period preceding  
17 the date of the commission of the instant offense, the actor  
18 requested emergency medical assistance in response to the possible  
19 overdose of the actor or another person.

20 SECTION 29. Section 481.1161(d), Health and Safety Code, is  
21 amended to read as follows:

22 (d) The defense to prosecution provided by Subsection (c) is  
23 not available if:

24 (1) at the time the request for emergency medical  
25 assistance was made:

26 (A) a peace officer was in the process of  
27 arresting the actor or executing a search warrant describing the

1 actor or the place from which the request for medical assistance was  
2 made; or

3 (B) the actor is committing another offense,  
4 other than an offense punishable under Section 481.115(b),  
5 481.1151(b)(1), 481.116(b), 481.117(b), or 481.118(b), [~~or~~  
6 ~~481.121(b)(1) or (2)~~], or an offense under Section 481.119(b),  
7 481.125(a), 483.041(a), or 485.031(a);

8 (2) the actor has been previously convicted of or  
9 placed on deferred adjudication community supervision for an  
10 offense under this chapter or Chapter 483 or 485;

11 (3) the actor was acquitted in a previous proceeding  
12 in which the actor successfully established the defense under that  
13 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
14 481.117(f), 481.118(f), 481.119(c), [~~481.121(c)~~], 481.125(g),  
15 483.041(e), or 485.031(c); or

16 (4) at any time during the 18-month period preceding  
17 the date of the commission of the instant offense, the actor  
18 requested emergency medical assistance in response to the possible  
19 overdose of the actor or another person.

20 SECTION 30. Section 481.117(g), Health and Safety Code, is  
21 amended to read as follows:

22 (g) The defense to prosecution provided by Subsection (f) is  
23 not available if:

24 (1) at the time the request for emergency medical  
25 assistance was made:

26 (A) a peace officer was in the process of  
27 arresting the actor or executing a search warrant describing the

1 actor or the place from which the request for medical assistance was  
2 made; or

3 (B) the actor is committing another offense,  
4 other than an offense punishable under Section 481.115(b),  
5 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), or 481.118(b),  
6 [~~or 481.121(b)(1) or (2),~~] or an offense under Section 481.119(b),  
7 481.125(a), 483.041(a), or 485.031(a);

8 (2) the actor has been previously convicted of or  
9 placed on deferred adjudication community supervision for an  
10 offense under this chapter or Chapter 483 or 485;

11 (3) the actor was acquitted in a previous proceeding  
12 in which the actor successfully established the defense under that  
13 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
14 481.1161(c), 481.118(f), 481.119(c), [~~481.121(c),~~] 481.125(g),  
15 483.041(e), or 485.031(c); or

16 (4) at any time during the 18-month period preceding  
17 the date of the commission of the instant offense, the actor  
18 requested emergency medical assistance in response to the possible  
19 overdose of the actor or another person.

20 SECTION 31. Section 481.118(g), Health and Safety Code, is  
21 amended to read as follows:

22 (g) The defense to prosecution provided by Subsection (f) is  
23 not available if:

24 (1) at the time the request for emergency medical  
25 assistance was made:

26 (A) a peace officer was in the process of  
27 arresting the actor or executing a search warrant describing the

1 actor or the place from which the request for medical assistance was  
2 made; or

3 (B) the actor is committing another offense,  
4 other than an offense punishable under Section 481.115(b),  
5 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), or 481.117(b),  
6 [~~or 481.121(b)(1) or (2),~~] or an offense under Section 481.119(b),  
7 481.125(a), 483.041(a), or 485.031(a);

8 (2) the actor has been previously convicted of or  
9 placed on deferred adjudication community supervision for an  
10 offense under this chapter or Chapter 483 or 485;

11 (3) the actor was acquitted in a previous proceeding  
12 in which the actor successfully established the defense under that  
13 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
14 481.1161(c), 481.117(f), 481.119(c), [~~481.121(c),~~] 481.125(g),  
15 483.041(e), or 485.031(c); or

16 (4) at any time during the 18-month period preceding  
17 the date of the commission of the instant offense, the actor  
18 requested emergency medical assistance in response to the possible  
19 overdose of the actor or another person.

20 SECTION 32. Section 481.119(d), Health and Safety Code, is  
21 amended to read as follows:

22 (d) The defense to prosecution provided by Subsection (c) is  
23 not available if:

24 (1) at the time the request for emergency medical  
25 assistance was made:

26 (A) a peace officer was in the process of  
27 arresting the actor or executing a search warrant describing the

1 actor or the place from which the request for medical assistance was  
2 made; or

3 (B) the actor is committing another offense,  
4 other than an offense punishable under Section 481.115(b),  
5 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), 481.117(b), or  
6 481.118(b), [~~or 481.121(b)(1) or (2),~~] or an offense under Section  
7 481.125(a), 483.041(a), or 485.031(a);

8 (2) the actor has been previously convicted of or  
9 placed on deferred adjudication community supervision for an  
10 offense under this chapter or Chapter 483 or 485;

11 (3) the actor was acquitted in a previous proceeding  
12 in which the actor successfully established the defense under that  
13 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
14 481.1161(c), 481.117(f), 481.118(f), [~~481.121(c),~~] 481.125(g),  
15 483.041(e), or 485.031(c); or

16 (4) at any time during the 18-month period preceding  
17 the date of the commission of the instant offense, the actor  
18 requested emergency medical assistance in response to the possible  
19 overdose of the actor or another person.

20 SECTION 33. The heading to Section 481.122, Health and  
21 Safety Code, is amended to read as follows:

22 Sec. 481.122. OFFENSE: DELIVERY OF CONTROLLED SUBSTANCE [~~OR~~  
23 ~~MARIHUANA~~] TO CHILD.

24 SECTION 34. Sections 481.122(a) and (b), Health and Safety  
25 Code, are amended to read as follows:

26 (a) A person commits an offense if the person knowingly  
27 delivers a controlled substance listed in Penalty Group 1, 1-A,

1 1-B, 2, or 3 [~~or knowingly delivers marihuana~~] and the person  
2 delivers the controlled substance [~~or marihuana~~] to a person:

3 (1) who is a child;

4 (2) who is enrolled in a public or private primary or  
5 secondary school; or

6 (3) who the actor knows or believes intends to deliver  
7 the controlled substance [~~or marihuana~~] to a person described by  
8 Subdivision (1) or (2).

9 (b) It is an affirmative defense to prosecution under this  
10 section that~~+~~

11 [~~(1)~~] the actor was a child when the offense was  
12 committed~~[, or~~

13 [~~(2) the actor:~~

14 [~~(A) was younger than 21 years of age when the~~  
15 ~~offense was committed,~~

16 [~~(B) delivered only marihuana in an amount equal~~  
17 ~~to or less than one-fourth ounce, and~~

18 [~~(C) did not receive remuneration for the~~  
19 ~~delivery]~~.

20 SECTION 35. Section 481.125(h), Health and Safety Code, is  
21 amended to read as follows:

22 (h) The defense to prosecution provided by Subsection (g) is  
23 not available if:

24 (1) at the time the request for emergency medical  
25 assistance was made:

26 (A) a peace officer was in the process of  
27 arresting the actor or executing a search warrant describing the



1 actor or the place from which the request for medical assistance was  
2 made; or

3 (B) the actor is committing another offense,  
4 other than an offense punishable under Section 481.115(b),  
5 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), 481.117(b), or  
6 481.118(b), [~~or 481.121(b)(1) or (2),~~] or an offense under Section  
7 481.119(b), 483.041(a), or 485.031(a);

8 (2) the actor has been previously convicted of or  
9 placed on deferred adjudication community supervision for an  
10 offense under this chapter or Chapter 483 or 485;

11 (3) the actor was acquitted in a previous proceeding  
12 in which the actor successfully established the defense under that  
13 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
14 481.1161(c), 481.117(f), 481.118(f), 481.119(c), [~~481.121(c),~~]  
15 483.041(e), or 485.031(c); or

16 (4) at any time during the 18-month period preceding  
17 the date of the commission of the instant offense, the actor  
18 requested emergency medical assistance in response to the possible  
19 overdose of the actor or another person.

20 SECTION 36. Section 481.126, Health and Safety Code, is  
21 amended to read as follows:

22 Sec. 481.126. OFFENSE: ILLEGAL BARTER, EXPENDITURE, OR  
23 INVESTMENT. (a) A person commits an offense if the person:

24 (1) barters property or expends funds the person knows  
25 are derived from the commission of an offense under this chapter  
26 punishable by imprisonment in the Texas Department of Criminal  
27 Justice for life; or

1           (2) [~~barter property or expends funds the person~~  
2 ~~knows are derived from the commission of an offense under Section~~  
3 ~~481.121(a) that is punishable under Section 481.121(b)(5);~~

4           ~~(3)~~ barter property or finances or invests funds  
5 the person knows or believes are intended to further the commission  
6 of an offense for which the punishment is described by Subdivision  
7 (1) [~~or~~

8           ~~(4) barter property or finances or invests funds the~~  
9 ~~person knows or believes are intended to further the commission of~~  
10 ~~an offense under Section 481.121(a) that is punishable under~~  
11 ~~Section 481.121(b)(5)].~~

12           (b) An offense under this section [~~Subsection (a)(1) or (3)~~]  
13 is a felony of the first degree. [~~An offense under Subsection~~  
14 ~~(a)(2) or (4) is a felony of the second degree.]~~

15           SECTION 37. Section 481.133(c), Health and Safety Code, is  
16 amended to read as follows:

17           (c) In this section, "drug test" means a lawfully  
18 administered test designed to detect the presence of a controlled  
19 substance [~~or marijuana~~].

20           SECTION 38. Sections 481.134(b) and (c), Health and Safety  
21 Code, as amended by Chapters 584 (S.B. 768) and 807 (H.B. 1540),  
22 Acts of the 87th Legislature, Regular Session, 2021, are reenacted  
23 and amended to read as follows:

24           (b) An offense otherwise punishable as a state jail felony  
25 under Section 481.112, 481.1121, 481.1123, 481.113, or 481.114 [~~or~~  
26 ~~481.120~~] is punishable as a felony of the third degree, an offense  
27 otherwise punishable as a felony of the third degree under any of

1 those sections is punishable as a felony of the second degree, and  
2 an offense otherwise punishable as a felony of the second degree  
3 under any of those sections is punishable as a felony of the first  
4 degree, if it is shown at the punishment phase of the trial of the  
5 offense that the offense was committed:

6 (1) in, on, or within 1,000 feet of premises owned,  
7 rented, or leased by an institution of higher learning, the  
8 premises of a public or private youth center, or a playground;

9 (2) in, on, or within 300 feet of the premises of a  
10 public swimming pool or video arcade facility; or

11 (3) by any unauthorized person 18 years of age or  
12 older, in, on, or within 1,000 feet of premises owned, rented, or  
13 leased by a general residential operation operating as a  
14 residential treatment center.

15 (c) The minimum term of confinement or imprisonment for an  
16 offense otherwise punishable under Section 481.112(c), (d), (e), or  
17 (f), 481.1121(b)(2), (3), or (4), 481.1123(c), (d), (e), or (f),  
18 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f),  
19 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d), or (e),  
20 481.1161(b)(4), (5), or (6), 481.117(c), (d), or (e), or  
21 481.118(c), (d), or (e) [~~481.120(b)(4), (5), or (6), or~~  
22 ~~481.121(b)(4), (5), or (6)] is increased by five years and the  
23 maximum fine for the offense is doubled if it is shown on the trial  
24 of the offense that the offense was committed:~~

25 (1) in, on, or within 1,000 feet of the premises of a  
26 school, the premises of a public or private youth center, or a  
27 playground;

1           (2) on a school bus; or

2           (3) by any unauthorized person 18 years of age or  
3 older, in, on, or within 1,000 feet of premises owned, rented, or  
4 leased by a general residential operation operating as a  
5 residential treatment center.

6           SECTION 39. Sections 481.134(d), (e), and (f), Health and  
7 Safety Code, are amended to read as follows:

8           (d) An offense otherwise punishable under Section  
9 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), 481.115(b),  
10 481.1151(b)(1), 481.116(b), or 481.1161(b)(3) [~~7, 481.120(b)(3), or~~  
11 ~~481.121(b)(3)~~] is a felony of the third degree if it is shown on the  
12 trial of the offense that the offense was committed:

13           (1) in, on, or within 1,000 feet of any real property  
14 that is owned, rented, or leased to a school or school board, the  
15 premises of a public or private youth center, or a playground;

16           (2) on a school bus; or

17           (3) by any unauthorized person 18 years of age or  
18 older, in, on, or within 1,000 feet of premises owned, rented, or  
19 leased by a general residential operation operating as a  
20 residential treatment center.

21           (e) An offense otherwise punishable under Section  
22 481.117(b) or [~~7~~] 481.119(a) [~~7, 481.120(b)(2), or 481.121(b)(2)~~] is  
23 a state jail felony if it is shown on the trial of the offense that  
24 the offense was committed:

25           (1) in, on, or within 1,000 feet of any real property  
26 that is owned, rented, or leased to a school or school board, the  
27 premises of a public or private youth center, or a playground;

1 (2) on a school bus; or

2 (3) by any unauthorized person 18 years of age or  
3 older, in, on, or within 1,000 feet of premises owned, rented, or  
4 leased by a general residential operation operating as a  
5 residential treatment center.

6 (f) An offense otherwise punishable under Section  
7 [481.118\(b\)](#) or ~~[7] [481.119\(b\)](#) [~~7~~, ~~[481.120\(b\)\(1\)](#)~~, or ~~[481.121\(b\)\(1\)](#)~~]~~ is  
8 a Class A misdemeanor if it is shown on the trial of the offense that  
9 the offense was committed:

10 (1) in, on, or within 1,000 feet of any real property  
11 that is owned, rented, or leased to a school or school board, the  
12 premises of a public or private youth center, or a playground;

13 (2) on a school bus; or

14 (3) by any unauthorized person 18 years of age or  
15 older, in, on, or within 1,000 feet of premises owned, rented, or  
16 leased by a general residential operation operating as a  
17 residential treatment center.

18 SECTION 40. Section [481.140\(a\)](#), Health and Safety Code, is  
19 amended to read as follows:

20 (a) If it is shown at the punishment phase of the trial of an  
21 offense otherwise punishable as a state jail felony, felony of the  
22 third degree, or felony of the second degree under Section [481.112](#),  
23 [481.1121](#), [481.1123](#), [481.113](#), [481.114](#), [~~[481.120](#)~~] or [481.122](#) that  
24 the defendant used or attempted to use a child younger than 18 years  
25 of age to commit or assist in the commission of the offense, the  
26 punishment is increased by one degree, unless the defendant used or  
27 threatened to use force against the child or another to gain the

1 child's assistance, in which event the punishment for the offense  
2 is a felony of the first degree.

3 SECTION 41. Section 483.041(f), Health and Safety Code, is  
4 amended to read as follows:

5 (f) The defense to prosecution provided by Subsection (e) is  
6 not available if:

7 (1) at the time the request for emergency medical  
8 assistance was made:

9 (A) a peace officer was in the process of  
10 arresting the actor or executing a search warrant describing the  
11 actor or the place from which the request for medical assistance was  
12 made; or

13 (B) the actor is committing another offense,  
14 other than an offense punishable under Section 481.115(b),  
15 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), 481.117(b), or  
16 481.118(b), [~~or 481.121(b)(1) or (2)~~], or an offense under Section  
17 481.119(b), 481.125(a), or 485.031(a);

18 (2) the actor has been previously convicted of or  
19 placed on deferred adjudication community supervision for an  
20 offense under this chapter or Chapter 481 or 485;

21 (3) the actor was acquitted in a previous proceeding  
22 in which the actor successfully established the defense under that  
23 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
24 481.1161(c), 481.117(f), 481.118(f), 481.119(c), [~~481.121(e)~~],  
25 481.125(g), or 485.031(c); or

26 (4) at any time during the 18-month period preceding  
27 the date of the commission of the instant offense, the actor

1 requested emergency medical assistance in response to the possible  
2 overdose of the actor or another person.

3 SECTION 42. Section 485.031(d), Health and Safety Code, is  
4 amended to read as follows:

5 (d) The defense to prosecution provided by Subsection (c) is  
6 not available if:

7 (1) at the time the request for emergency medical  
8 assistance was made:

9 (A) a peace officer was in the process of  
10 arresting the actor or executing a search warrant describing the  
11 actor or the place from which the request for medical assistance was  
12 made; or

13 (B) the actor is committing another offense,  
14 other than an offense punishable under Section 481.115(b),  
15 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), 481.117(b), or  
16 481.118(b), [~~or 481.121(b)(1) or (2)~~], or an offense under Section  
17 481.119(b), 481.125(a), or 483.041(a);

18 (2) the actor has been previously convicted of or  
19 placed on deferred adjudication community supervision for an  
20 offense under this chapter or Chapter 481 or 483;

21 (3) the actor was acquitted in a previous proceeding  
22 in which the actor successfully established the defense under that  
23 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
24 481.1161(c), 481.117(f), 481.118(f), 481.119(c), [~~481.121(e)~~],  
25 481.125(g), or 483.041(e); or

26 (4) at any time during the 18-month period preceding  
27 the date of the commission of the instant offense, the actor

1 requested emergency medical assistance in response to the possible  
2 overdose of the actor or another person.

3 SECTION 43. Section 31.0031(d), Human Resources Code, is  
4 amended to read as follows:

5 (d) The responsibility agreement shall require that:

6 (1) the parent of a dependent child cooperate with the  
7 commission and the Title IV-D agency if necessary to establish the  
8 paternity of the dependent child and to establish or enforce child  
9 support;

10 (2) if adequate and accessible providers of the  
11 services are available in the geographic area and subject to the  
12 availability of funds, each dependent child, as appropriate,  
13 complete early and periodic screening, diagnosis, and treatment  
14 checkups on schedule and receive the immunization series prescribed  
15 by Section 161.004, Health and Safety Code, unless the child is  
16 exempt under that section;

17 (3) each adult recipient, or teen parent recipient who  
18 has completed the requirements regarding school attendance in  
19 Subdivision (6), not voluntarily terminate paid employment of at  
20 least 30 hours each week without good cause in accordance with rules  
21 adopted by the executive commissioner;

22 (4) each adult recipient for whom a needs assessment  
23 is conducted participate in an activity to enable that person to  
24 become self-sufficient by:

25 (A) continuing the person's education or  
26 becoming literate;

27 (B) entering a job placement or employment skills



1 training program;

2 (C) serving as a volunteer in the person's  
3 community; or

4 (D) serving in a community work program or other  
5 work program approved by the commission;

6 (5) each caretaker relative or parent receiving  
7 assistance not use, sell, or possess [~~marihuana~~ or] a controlled  
8 substance in violation of Chapter 481, Health and Safety Code, or  
9 abuse alcohol;

10 (6) each dependent child younger than 18 years of age  
11 or teen parent younger than 19 years of age attend school regularly,  
12 unless the child has a high school diploma or high school  
13 equivalency certificate or is specifically exempted from school  
14 attendance under Section 25.086, Education Code;

15 (7) each recipient comply with commission rules  
16 regarding proof of school attendance; and

17 (8) each recipient attend appropriate parenting  
18 skills training classes, as determined by the needs assessment.

19 SECTION 44. Section 1355.006, Insurance Code, is amended to  
20 read as follows:

21 Sec. 1355.006. COVERAGE FOR CERTAIN CONDITIONS RELATED TO  
22 CONTROLLED SUBSTANCE [~~OR MARIHUANA~~] NOT REQUIRED. (a) In this  
23 section, "controlled substance" has [~~and "marihuana" have~~] the  
24 meaning [~~meanings~~] assigned by Section 481.002, Health and Safety  
25 Code.

26 (b) This subchapter does not require a group health benefit  
27 plan to provide coverage for the treatment of:

1           (1) addiction to a controlled substance [~~or marijuana~~]  
2 that is used in violation of law; or

3           (2) mental illness that results from the use of a  
4 controlled substance [~~or marijuana~~] in violation of law.

5           SECTION 45. Section 551.004(a), Occupations Code, is  
6 amended to read as follows:

7           (a) This subtitle does not apply to:

8           (1) a practitioner licensed by the appropriate state  
9 board who supplies a patient of the practitioner with a drug in a  
10 manner authorized by state or federal law and who does not operate a  
11 pharmacy for the retailing of prescription drugs;

12           (2) a member of the faculty of a college of pharmacy  
13 recognized by the board who is a pharmacist and who performs the  
14 pharmacist's services only for the benefit of the college;

15           (3) a person who procures prescription drugs for  
16 lawful research, teaching, or testing and not for resale; or

17           (4) a home and community support services agency that  
18 possesses a dangerous drug as authorized by Section 142.0061,  
19 142.0062, or 142.0063, Health and Safety Code[~~, or~~

20           ~~[(5) a dispensing organization, as defined by Section~~  
21 ~~487.001, Health and Safety Code, that cultivates, processes, and~~  
22 ~~dispenses low-THC cannabis, as authorized by Chapter 487, Health~~  
23 ~~and Safety Code, to a patient listed in the compassionate-use~~  
24 ~~registry established under that chapter].~~

25           SECTION 46. Section 71.023(a), Penal Code, is amended to  
26 read as follows:

27           (a) A person commits an offense if the person, as part of the

1 identifiable leadership of a criminal street gang, knowingly  
2 finances, directs, or supervises the commission of, or a conspiracy  
3 to commit, one or more of the following offenses by members of a  
4 criminal street gang:

5 (1) a felony offense that is listed in Article  
6 [42A.054\(a\)](#), Code of Criminal Procedure;

7 (2) a felony offense for which it is shown that a  
8 deadly weapon, as defined by Section [1.07](#), was used or exhibited  
9 during the commission of the offense or during immediate flight  
10 from the commission of the offense; or

11 (3) an offense that is punishable under Section  
12 [481.112\(e\)](#) or (f), [481.1121\(b\)\(4\)](#), [481.1123\(d\)](#), (e), or (f), or  
13 [481.115\(f\)](#), [~~or [481.120\(b\)\(6\)](#),~~] Health and Safety Code.

14 SECTION 47. (a) Except as otherwise provided by this  
15 section, the changes in law made by this Act apply only to an  
16 offense committed on or after the effective date of this Act. An  
17 offense committed before the effective date of this Act is governed  
18 by the law in effect on the date the offense was committed, and the  
19 former law is continued in effect for that purpose. For purposes of  
20 this section, an offense was committed before the effective date of  
21 this Act if any element of the offense occurred before that date.

22 (b) Sections [481.120](#), [481.121](#), and [481.134](#), Health and  
23 Safety Code, as amended by this Act, apply to an offense committed  
24 under Section [481.120](#) or [481.121](#), or an offense committed under  
25 Section [481.120](#) or [481.121](#) and punishable under Section [481.134](#),  
26 before, on, or after September 1, 2023, except that a final  
27 conviction for an offense that exists on September 1, 2023, is

1 unaffected by this Act.

2           SECTION 48. To the extent of any conflict, this Act prevails  
3 over another Act of the 88th Legislature, Regular Session, 2023,  
4 relating to nonsubstantive additions to and corrections in enacted  
5 codes.

6           SECTION 49. This Act takes effect September 1, 2023.