86R1599 GCB-D

By:  Shaheen H.B. No. 1228

A BILL TO BE ENTITLED

AN ACT

relating to political subdivision regulations, including zoning rules, concerning the cultivation, production, dispensing, or possession of low-THC cannabis.

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

SECTION 1.  Section 487.201, Health and Safety Code, is amended to read as follows:

Sec. 487.201.  POLITICAL SUBDIVISION REGULATIONS CONCERNING [~~COUNTIES AND MUNICIPALITIES MAY NOT PROHIBIT~~] LOW-THC CANNABIS. (a) Subject to Subsection (b), a municipality, county, or other political subdivision may enact:

(1)  reasonable zoning rules that limit the use of land for dispensing organizations or the cultivation or production of low-THC cannabis to specified areas; and

(2)  ordinances, orders, or other rules that regulate the time, place, and manner of dispensing organization operations.

(b)  A municipality, county, or other political subdivision may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits or has the effect of prohibiting the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by this chapter.

(c)  A rule, ordinance, order, resolution, or other regulation that violates this section is void and unenforceable.

SECTION 2.  Section 487.201, Health and Safety Code, as amended by this Act, applies to a rule, ordinance, order, resolution, or other regulation adopted before, on, or after the effective date of this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.