

By: Meza

H.B. No. 1196

A BILL TO BE ENTITLED

AN ACT

relating to changing statutory references to marihuana to cannabis.

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

SECTION 1. Article 13.22, Code of Criminal Procedure, is amended to read as follows:

Art. 13.22. POSSESSION AND DELIVERY OF CANNABIS [~~MARIHUANA~~]. An offense of possession or delivery of cannabis [~~marihuana~~] may be prosecuted in the county where the offense was committed or with the consent of the defendant in a county that is adjacent to and in the same judicial district as the county where the offense was committed.

SECTION 2. Article 15.27(h), Code of Criminal Procedure, is amended to read as follows:

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

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

(2) the unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or cannabis [~~marihuana~~], as defined by Chapter 481, Health and Safety Code; or

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

SECTION 3. Article 18A.101, Code of Criminal Procedure, is

1 amended to read as follows:

2 Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE
3 ISSUED. A judge of competent jurisdiction may issue an
4 interception order only if the prosecutor applying for the order
5 shows probable cause to believe that the interception will provide
6 evidence of the commission of:

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

9 (A) Chapter 481, other than felony possession of
10 cannabis [~~marihuana~~];

11 (B) Chapter 483; or

12 (C) Section 485.032;

13 (2) an offense under any of the following provisions
14 of the Penal Code:

15 (A) Section 19.02;

16 (B) Section 19.03;

17 (C) Section 20.03;

18 (D) Section 20.04;

19 (E) Chapter 20A;

20 (F) Chapter 34, if the criminal activity giving
21 rise to the proceeds involves the commission of an offense under
22 Title 5, Penal Code, or an offense under federal law or the laws of
23 another state containing elements that are substantially similar to
24 the elements of an offense under Title 5;

25 (G) Section 38.11;

26 (H) Section 43.04;

27 (I) Section 43.05; or

1 (J) Section 43.26; or

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

4 SECTION 4. Article 42A.514(a), Code of Criminal Procedure,
5 is amended to read as follows:

6 (a) If a judge grants community supervision to a defendant
7 younger than 18 years of age convicted of an alcohol-related
8 offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or
9 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or
10 an offense involving possession of a controlled substance or
11 cannabis [~~marihuana~~] under Section 481.115, 481.1151, 481.116,
12 481.1161, 481.117, 481.118, or 481.121, Health and Safety Code, the
13 judge may require the defendant as a condition of community
14 supervision to attend, as appropriate:

15 (1) an alcohol awareness program approved under
16 Section 106.115, Alcoholic Beverage Code; or

17 (2) a drug education program that is designed to
18 educate persons on the dangers of drug abuse and is approved by the
19 Department of State Health Services in accordance with Section
20 521.374, Transportation Code.

21 SECTION 5. Article 42A.551(c), Code of Criminal Procedure,
22 is amended to read as follows:

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

24 (1) under Section 481.1151(b)(1), Health and Safety
25 Code, possessed more than five abuse units of the controlled
26 substance;

27 (2) under Section 481.1161(b)(3), Health and Safety

1 Code, possessed more than one pound, by aggregate weight, including
2 adulterants or dilutants, of the controlled substance; or

3 (3) under Section 481.121(b)(3), Health and Safety
4 Code, possessed more than one pound of cannabis [~~marihuana~~].

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

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

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

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

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

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

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

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

26 SECTION 7. Section 37.006(a), Education Code, is amended to
27 read as follows:

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

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

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

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

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

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

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

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

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

27 (E) engages in conduct that contains the elements

1 of an offense relating to an abusable volatile chemical under
2 Sections 485.031 through 485.034, Health and Safety Code; or

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

6 SECTION 8. Section 37.007(b), Education Code, is amended to
7 read as follows:

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

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

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

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

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

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

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

26 (B) engages in conduct that contains the elements
27 of an offense relating to an abusable volatile chemical under

1 Sections 485.031 through 485.034, Health and Safety Code;

2 (C) engages in conduct that contains the elements
3 of an offense under Section 22.01(a)(1), Penal Code, against a
4 school district employee or a volunteer as defined by Section
5 22.053; or

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

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

11 (A) engages in conduct specified by Subsection
12 (a); or

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

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

21 (5) engages in conduct that contains the elements of
22 the offense of breach of computer security under Section 33.02,
23 Penal Code, if:

24 (A) the conduct involves accessing a computer,
25 computer network, or computer system owned by or operated on behalf
26 of a school district; and

27 (B) the student knowingly:

1 (i) alters, damages, or deletes school
2 district property or information; or

3 (ii) commits a breach of any other
4 computer, computer network, or computer system.

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

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

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

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

20 (3) a terroristic threat under Section 22.07, Penal
21 Code;

22 (4) the use, sale, or possession of a controlled
23 substance, drug paraphernalia, or cannabis [~~marijuana~~] under
24 Chapter 481, Health and Safety Code;

25 (5) the possession of any of the weapons or devices
26 listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal
27 Code;

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

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

6 SECTION 10. Section 37.016, Education Code, is amended to
7 read as follows:

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

15 (1) cannabis [~~marjuana~~] or a controlled substance, as
16 defined by Chapter 481, Health and Safety Code;

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

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

23 (4) an alcoholic beverage, as defined by Section 1.04,
24 Alcoholic Beverage Code.

25 SECTION 11. Section 76.017(b), Government Code, is amended
26 to read as follows:

27 (b) The program must:

1 (1) include automatic screening and evaluation of a
2 person arrested for an offense, other than a Class C misdemeanor, in
3 which an element of the offense is the use or possession of alcohol
4 or the use, possession, or sale of a controlled substance or
5 cannabis [~~marihuana~~];

6 (2) include automatic screening and evaluation of a
7 person arrested for an offense, other than a Class C misdemeanor, in
8 which the use of alcohol or drugs is suspected to have significantly
9 contributed to the offense for which the individual has been
10 arrested;

11 (3) coordinate the evaluation and referral to
12 treatment services; and

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

16 SECTION 12. Section 123.002, Government Code, is amended to
17 read as follows:

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

21 (1) drug courts for persons arrested for, charged
22 with, or convicted of:

23 (A) an offense in which an element of the offense
24 is the use or possession of alcohol or the use, possession, or sale
25 of a controlled substance, a controlled substance analogue, or
26 cannabis [~~marihuana~~]; or

27 (B) an offense in which the use of alcohol or a

1 controlled substance is suspected to have significantly
2 contributed to the commission of the offense and the offense did not
3 involve:

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

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

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

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

12 (A) delinquent conduct, including habitual
13 felony conduct, or conduct indicating a need for supervision in
14 which an element of the conduct is the use or possession of alcohol
15 or the use, possession, or sale of a controlled substance, a
16 controlled substance analogue, or cannabis [~~marjuana~~]; or

17 (B) delinquent conduct, including habitual
18 felony conduct, or conduct indicating a need for supervision in
19 which the use of alcohol or a controlled substance is suspected to
20 have significantly contributed to the commission of the conduct and
21 the conduct did not involve:

22 (i) carrying, possessing, or using a
23 firearm or other dangerous weapon;

24 (ii) the use of force against the person of
25 another; or

26 (iii) the death of or serious bodily injury
27 to another;

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

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

10 (5) programs for other persons not precisely described
11 by Subdivisions (1)-(4) who may benefit from a program that has the
12 essential characteristics described by Section 123.001.

13 SECTION 13. Sections 481.002(17), (25), and (26), Health
14 and Safety Code, are amended to read as follows:

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

24 (A) a kit used or intended for use in planting,
25 propagating, cultivating, growing, or harvesting a species of plant
26 that is a controlled substance or from which a controlled substance
27 may be derived;

1 (B) a material, compound, mixture, preparation,
2 or kit used or intended for use in manufacturing, compounding,
3 converting, producing, processing, or preparing a controlled
4 substance;

5 (C) an isomerization device used or intended for
6 use in increasing the potency of a species of plant that is a
7 controlled substance;

8 (D) testing equipment used or intended for use in
9 identifying or in analyzing the strength, effectiveness, or purity
10 of a controlled substance;

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

13 (F) a dilutant or adulterant, such as quinine
14 hydrochloride, mannitol, inositol, nicotinamide, dextrose,
15 lactose, or absorbent, blotter-type material, that is used or
16 intended to be used to increase the amount or weight of or to
17 transfer a controlled substance regardless of whether the dilutant
18 or adulterant diminishes the efficacy of the controlled substance;

19 (G) a separation gin or sifter used or intended
20 for use in removing twigs and seeds from or in otherwise cleaning or
21 refining cannabis [~~marihuana~~];

22 (H) a blender, bowl, container, spoon, or mixing
23 device used or intended for use in compounding a controlled
24 substance;

25 (I) a capsule, balloon, envelope, or other
26 container used or intended for use in packaging small quantities of
27 a controlled substance;

1 (J) a container or other object used or intended
2 for use in storing or concealing a controlled substance;

3 (K) a hypodermic syringe, needle, or other object
4 used or intended for use in parenterally injecting a controlled
5 substance into the human body; and

6 (L) an object used or intended for use in
7 ingesting, inhaling, or otherwise introducing cannabis
8 [~~marihuana~~], cocaine, hashish, or hashish oil into the human body,
9 including:

10 (i) a metal, wooden, acrylic, glass, stone,
11 plastic, or ceramic pipe with or without a screen, permanent
12 screen, hashish head, or punctured metal bowl;

13 (ii) a water pipe;

14 (iii) a carburetion tube or device;

15 (iv) a smoking or carburetion mask;

16 (v) a chamber pipe;

17 (vi) a carburetor pipe;

18 (vii) an electric pipe;

19 (viii) an air-driven pipe;

20 (ix) a chillum;

21 (x) a bong; or

22 (xi) an ice pipe or chiller.

23 (25) "Manufacture" means the production, preparation,
24 propagation, compounding, conversion, or processing of a
25 controlled substance other than cannabis [~~marihuana~~], directly or
26 indirectly by extraction from substances of natural origin,
27 independently by means of chemical synthesis, or by a combination

1 of extraction and chemical synthesis, and includes the packaging or
2 repackaging of the substance or labeling or relabeling of its
3 container. However, the term does not include the preparation,
4 compounding, packaging, or labeling of a controlled substance:

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

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

11 (26) "Cannabis" [~~"Marihuana"~~] means the plant
12 Cannabis sativa L., whether growing or not, the seeds of that plant,
13 and every compound, manufacture, salt, derivative, mixture, or
14 preparation of that plant or its seeds. The term does not include:

15 (A) the resin extracted from a part of the plant
16 or a compound, manufacture, salt, derivative, mixture, or
17 preparation of the resin;

18 (B) the mature stalks of the plant or fiber
19 produced from the stalks;

20 (C) oil or cake made from the seeds of the plant;

21 (D) a compound, manufacture, salt, derivative,
22 mixture, or preparation of the mature stalks, fiber, oil, or cake;
23 or

24 (E) the sterilized seeds of the plant that are
25 incapable of beginning germination.

26 SECTION 14. Section 481.103(a), Health and Safety Code, is
27 amended to read as follows:

1 (a) Penalty Group 2 consists of:

2 (1) any quantity of the following hallucinogenic
3 substances, their salts, isomers, and salts of isomers, unless
4 specifically excepted, if the existence of these salts, isomers,
5 and salts of isomers is possible within the specific chemical
6 designation:

7 5-(2-aminopropyl)benzofuran (5-APB);

8 6-(2-aminopropyl)benzofuran (6-APB);

9 5-(2-aminopropyl)-2,3-dihydrobenzofuran
10 (5-APDB);

11 6-(2-aminopropyl)-2,3-dihydrobenzofuran
12 (6-APDB);

13 5-(2-aminopropyl)indole (5-IT,5-API);

14 6-(2-aminopropyl)indole (6-IT,6-API);

15 1-(benzofuran-5-yl)-N-methylpropan-2-amine
16 (5-MAPB);

17 1-(benzofuran-6-yl)-N-methylpropan-2-amine
18 (6-MAPB);

19 Benzothiophenylcyclohexylpiperidine (BTCP);

20 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-
21 4-ethanamine (trade or other name: Bromo-DragonFLY);

22 Desoxypipradrol (2-benzhydrylpiperidine);

23 2, 5-dimethoxyamphetamine (some trade or other
24 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);

25 Diphenylprolinol (diphenyl(pyrrolidin-2-yl)
26 methanol, D2PM);

27 Dronabinol (synthetic) in sesame oil and

1 encapsulated in a soft gelatin capsule in a U.S. Food and Drug
2 Administration approved drug product (some trade or other names for
3 Dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
4 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
5 (trans)- tetrahydrocannabinol);

6 Ethylamine Analog of Phencyclidine (some trade or
7 other names: N-ethyl-1-phenylcyclohexylamine, (1-
8 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,
9 cyclohexamine, PCE);

10 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone
11 (trade or other name: methoxetamine);

12 Ibogaine (some trade or other names: 7-Ethyl-6,
13 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
14 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);

15 5-iodo-2-aminoindane (5-IAI);

16 Mescaline;

17 5-methoxy-3, 4-methylenedioxy amphetamine;

18 4-methoxyamphetamine (some trade or other
19 names: 4-methoxy-alpha-methylphenethylamine;
20 paramethoxyamphetamine; PMA);

21 4-methoxymethamphetamine (PMMA);

22 2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone
23 (some trade and other names: 2-MeO-ketamine; methoxyketamine);

24 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,
25 PPMP);

26 4-methyl-2, 5-dimethoxyamphetamine (some trade
27 and other names: 4-methyl-2, 5-dimethoxy-alpha-

1 methylphenethylamine; "DOM"; "STP");
2 3,4-methylenedioxy methamphetamine (MDMA, MDM);
3 3,4-methylenedioxy amphetamine;
4 3,4-methylenedioxy N-ethylamphetamine (Also
5 known as N-ethyl MDA);
6 5,6-methylenedioxy-2-aminoindane (MDAI);
7 Nabilone (Another name for nabilone: (+)-trans-
8 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,
9 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;
10 N-benzylpiperazine (some trade or other
11 names: BZP; 1-benzylpiperazine);
12 N-ethyl-3-piperidyl benzilate;
13 N-hydroxy-3,4-methylenedioxyamphetamine (Also
14 known as N-hydroxy MDA);
15 4-methylaminorex;
16 N-methyl-3-piperidyl benzilate;
17 Parahexyl (some trade or other names: 3-Hexyl-1-
18 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d]
19 pyran; Synhexyl);
20 1-Phenylcyclohexylamine;
21 1-Piperidinocyclohexanecarbonitrile (PCC);
22 Pyrrolidine Analog of Phencyclidine (some trade
23 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
24 Tetrahydrocannabinols, other than cannabis
25 [~~marihuana~~], and synthetic equivalents of the substances contained
26 in the plant, or in the resinous extractives of Cannabis, or
27 synthetic substances, derivatives, and their isomers with similar

1 chemical structure and pharmacological activity such as:

2 delta-1 cis or trans tetrahydrocannabinol,
3 and their optical isomers;

4 delta-6 cis or trans tetrahydrocannabinol,
5 and their optical isomers;

6 delta-3, 4 cis or trans
7 tetrahydrocannabinol, and its optical isomers; or
8 compounds of these structures, regardless of
9 numerical designation of atomic positions, since nomenclature of
10 these substances is not internationally standardized;

11 Thiophene Analog of Phencyclidine (some trade or
12 other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl
13 Analog of Phencyclidine; TPCP, TCP);

14 1-pyrrolidine (some trade or other name: TCPy);

15 1-(3-trifluoromethylphenyl)piperazine (trade or
16 other name: TFMPP); and

17 3,4,5-trimethoxy amphetamine;

18 (2) Phenylacetone (some trade or other
19 names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl
20 ketone);

21 (3) unless specifically excepted or unless listed in
22 another Penalty Group, a material, compound, mixture, or
23 preparation that contains any quantity of the following substances
24 having a potential for abuse associated with a depressant or
25 stimulant effect on the central nervous system:

26 Aminorex (some trade or other
27 names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-

1 phenyl-2-oxazolamine);
2 Amphetamine, its salts, optical isomers, and
3 salts of optical isomers;
4 Cathinone (some trade or other names: 2-amino-1-
5 phenyl-1-propanone, alpha-aminopropiophenone, 2-
6 aminopropiophenone);
7 Etaqualone and its salts;
8 Etorphine Hydrochloride;
9 Fenethylamine and its salts;
10 Lisdexamfetamine, including its salts, isomers,
11 and salts of isomers;
12 Mecloqualone and its salts;
13 Methaqualone and its salts;
14 Methcathinone (some trade or other names: 2-
15 methylamino-propionophenone; alpha-(methylamino)propionophenone;
16 2-(methylamino)-1-phenylpropan-1-one; alpha-N-
17 methylaminopropionophenone; monomethylpropion; ephedrone, N-
18 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR
19 1431);
20 N-Ethylamphetamine, its salts, optical isomers,
21 and salts of optical isomers; and
22 N,N-dimethylamphetamine (some trade or other
23 names: N,N,alpha-trimethylbenzeneethanamine;
24 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,
25 and salts of optical isomers;
26 (4) any compound structurally derived from
27 2-aminopropanal by substitution at the 1-position with any

1 monocyclic or fused-polycyclic ring system, including:

2 (A) compounds further modified by:

3 (i) substitution in the ring system to any
4 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or
5 halide substituents), whether or not further substituted in the
6 ring system by other substituents;

7 (ii) substitution at the 3-position with an
8 alkyl substituent; or

9 (iii) substitution at the 2-amino nitrogen
10 atom with alkyl, benzyl, dialkyl, or methoxybenzyl groups, or
11 inclusion of the 2-amino nitrogen atom in a cyclic structure; and

12 (B) by example, compounds such as:

13 4-Methylmethcathinone (Also known as
14 Mephedrone);

15 3,4-Dimethylmethcathinone (Also known as
16 3,4-DMMC);

17 3-Fluoromethcathinone (Also known as 3-FMC);

18 4-Fluoromethcathinone (Also known as
19 Flephedrone);

20 3,4-Methylenedioxy-N-methylcathinone (Also
21 known as Methylone);

22 3,4-Methylenedioxypropylvalerone (Also known
23 as MDPV);

24 alpha-Pyrrolidinopentiophenone (Also known
25 as alpha-PVP);

26 Naphthylpropylvalerone (Also known as
27 Naphyrone);

1 alpha-Methylamino-valerophenone (Also known
2 as Pentedrone);

3 beta-Keto-N-methylbenzodioxolylpropylamine
4 (Also known as Butylone);

5 beta-Keto-N-methylbenzodioxolylpentanamine
6 (Also known as Pentylone);

7 beta-Keto-Ethylbenzodioxolylbutanamine
8 (Also known as Eutylone); and

9 3,4-methylenedioxy-N-ethylcathinone (Also
10 known as Ethylone);

11 (5) any compound structurally derived from tryptamine
12 (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

13 (A) by modification in any of the following ways:

14 (i) by substitution at the amine nitrogen
15 atom of the sidechain to any extent with alkyl or alkenyl groups or
16 by inclusion of the amine nitrogen atom of the side chain (and no
17 other atoms of the side chain) in a cyclic structure;

18 (ii) by substitution at the carbon atom
19 adjacent to the nitrogen atom of the side chain (alpha-position)
20 with an alkyl or alkenyl group;

21 (iii) by substitution in the 6-membered
22 ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl,
23 alkylenedioxy, or halide substituents; or

24 (iv) by substitution at the 2-position of
25 the tryptamine ring system with an alkyl substituent; and

26 (B) including:

27 (i) ethers and esters of the controlled

1 substances listed in this subdivision; and

2 (ii) by example, compounds such as:

3 alpha-ethyltryptamine;

4 alpha-methyltryptamine;

5 Bufotenine (some trade and other names:

6 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;

7 3-(2-dimethylaminoethyl)- 5- indolol; N, N-dimethylserotonin;

8 5-hydroxy-N, N- dimethyltryptamine; mappine);

9 Diethyltryptamine (some trade and
10 other names: N, N-Diethyltryptamine, DET);

11 Dimethyltryptamine (trade or other
12 name: DMT);

13 5-methoxy-N, N-diisopropyltryptamine
14 (5-MeO-DiPT);

15 O-Acetylpsilocin (Trade or other name:
16 4-Aco-DMT);

17 Psilocin; and

18 Psilocybin;

19 (6) 2,5-Dimethoxyphenethylamine and any compound
20 structurally derived from 2,5-Dimethoxyphenethylamine by
21 substitution at the 4-position of the phenyl ring to any extent
22 (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide
23 substituents), including, by example, compounds such as:

24 4-Bromo-2,5-dimethoxyphenethylamine (trade or
25 other name: 2C-B);

26 4-Chloro-2,5-dimethoxyphenethylamine (trade or
27 other name: 2C-C);

1 2,5-Dimethoxy-4-methylphenethylamine (trade or
2 other name: 2C-D);

3 4-Ethyl-2,5-dimethoxyphenethylamine (trade or
4 other name: 2C-E);

5 4-Iodo-2,5-dimethoxyphenethylamine (trade or
6 other name: 2C-I);

7 2,5-Dimethoxy-4-nitrophenethylamine (trade or
8 other name: 2C-N);

9 2,5-Dimethoxy-4-(n)-propylphenethylamine (trade
10 or other name: 2C-P);

11 4-Ethylthio-2,5-dimethoxyphenethylamine (trade
12 or other name: 2C-T-2);

13 4-Isopropylthio-2,5-dimethoxyphenethylamine
14 (trade or other name: 2C-T-4); and

15 2,5-Dimethoxy-4-(n)-propylthiophenethylamine
16 (trade or other name: 2C-T-7); and

17 (7) 2,5-Dimethoxyamphetamine and any compound
18 structurally derived from 2,5-Dimethoxyamphetamine by substitution
19 at the 4-position of the phenyl ring to any extent (including alkyl,
20 alkoxy, alkylendioxy, haloalkyl, or halide substituents),
21 including, by example, compounds such as:

22 4-Ethylthio-2,5-dimethoxyamphetamine (trade or
23 other name: Aleph-2);

24 4-Isopropylthio-2,5-dimethoxyamphetamine (trade
25 or other name: Aleph-4);

26 4-Bromo-2,5-dimethoxyamphetamine (trade or other
27 name: DOB);

- 1 4-Chloro-2,5-dimethoxyamphetamine (trade or
2 other name: DOC);
- 3 2,5-Dimethoxy-4-ethylamphetamine (trade or other
4 name: DOET);
- 5 4-Iodo-2,5-dimethoxyamphetamine (trade or other
6 name: DOI);
- 7 2,5-Dimethoxy-4-methylamphetamine (trade or
8 other name: DOM);
- 9 2,5-Dimethoxy-4-nitroamphetamine (trade or other
10 name: DON);
- 11 4-Isopropyl-2,5-dimethoxyamphetamine (trade or
12 other name: DOIP); and
- 13 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or
14 other name: DOPR).

15 SECTION 15. Section [481.1031\(b\)](#), Health and Safety Code, is
16 amended to read as follows:

17 (b) Penalty Group 2-A consists of any material, compound,
18 mixture, or preparation that contains any quantity of a natural or
19 synthetic chemical substance, including its salts, isomers, and
20 salts of isomers, listed by name in this subsection or contained
21 within one of the structural classes defined in this subsection:

- 22 (1) WIN-55,212-2;
- 23 (2) Cyclohexylphenol: any compound structurally
24 derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the
25 5-position of the phenolic ring, (N-methylpiperidin-2-yl)alkyl,
26 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or
27 not substituted in the cyclohexyl ring to any extent, including:

1 JWH-337;
2 JWH-344;
3 CP-55,940;
4 CP-47,497; and
5 analogues of CP-47,497;

6 (3) Cannabinol derivatives, except where contained in
7 cannabis [~~marjuana~~], including tetrahydro derivatives of
8 cannabinol and 3-alkyl homologues of cannabinol or of its
9 tetrahydro derivatives, such as:

10 Nabilone;
11 HU-210; and
12 HU-211;

13 (4) Tetramethylcyclopropyl thiazole: any compound
14 structurally derived from 2,2,3,3-tetramethyl-N-(thiazol-
15 2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen
16 atom of the thiazole ring, whether or not further substituted in the
17 thiazole ring to any extent, whether or not substituted in the
18 tetramethylcyclopropyl ring to any extent, including:

19 A-836,339;

20 (5) any compound containing a core component
21 substituted at the 1-position to any extent, and substituted at the
22 3-position with a link component attached to a group A component,
23 whether or not the core component or group A component are further
24 substituted to any extent, including:

25 Naphthoylindane;
26 Naphthoylindazole (THJ-018);
27 Naphthyl methyl indene (JWH-171);

1 Naphthoylindole (JWH-018);
2 Quinolinoyl pyrazole carboxylate (Quinolinyl
3 fluoropentyl fluorophenyl pyrazole carboxylate);
4 Naphthoyl pyrazolopyridine; and
5 Naphthoylpyrrole (JWH-030);

6 (6) any compound containing a core component
7 substituted at the 1-position to any extent, and substituted at the
8 2-position with a link component attached to a group A component,
9 whether or not the core component or group A component are further
10 substituted to any extent, including:

11 Naphthoylbenzimidazole (JWH-018 Benzimidazole);

12 and

13 Naphthoylimidazole;

14 (7) any compound containing a core component
15 substituted at the 3-position to any extent, and substituted at the
16 2-position with a link component attached to a group A component,
17 whether or not the core component or group A component are further
18 substituted to any extent, including:

19 Naphthoyl benzothiazole; and

20 (8) any compound containing a core component
21 substituted at the 9-position to any extent, and substituted at the
22 3-position with a link component attached to a group A component,
23 whether or not the core component or group A component are further
24 substituted to any extent, including:

25 Naphthoylcarbazole (EG-018).

26 SECTION 16. Section [481.111\(e\)](#), Health and Safety Code, is
27 amended to read as follows:

1 (e) Sections 481.120, 481.121, 481.122, and 481.125 do not
2 apply to a person who engages in the acquisition, possession,
3 production, cultivation, delivery, or disposal of a raw material
4 used in or by-product created by the production or cultivation of
5 low-THC cannabis if the person:

6 (1) for an offense involving possession only of
7 cannabis [~~marihuana~~] or drug paraphernalia, is a patient for whom
8 low-THC cannabis is prescribed under Chapter 169, Occupations Code,
9 or the patient's legal guardian, and the person possesses low-THC
10 cannabis obtained under a valid prescription from a dispensing
11 organization; or

12 (2) is a director, manager, or employee of a
13 dispensing organization and the person, solely in performing the
14 person's regular duties at the organization, acquires, possesses,
15 produces, cultivates, dispenses, or disposes of:

16 (A) in reasonable quantities, any low-THC
17 cannabis or raw materials used in or by-products created by the
18 production or cultivation of low-THC cannabis; or

19 (B) any drug paraphernalia used in the
20 acquisition, possession, production, cultivation, delivery, or
21 disposal of low-THC cannabis.

22 SECTION 17. Section 481.120, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 481.120. OFFENSE: DELIVERY OF CANNABIS [~~MARIHUANA~~].

25 (a) Except as authorized by this chapter, a person commits an
26 offense if the person knowingly or intentionally delivers cannabis
27 [~~marihuana~~].

(b) An offense under Subsection (a) is:

(1) a Class B misdemeanor if the amount of cannabis [~~marihuana~~] delivered is one-fourth ounce or less and the person committing the offense does not receive remuneration for the cannabis [~~marihuana~~];

(2) a Class A misdemeanor if the amount of cannabis [~~marihuana~~] delivered is one-fourth ounce or less and the person committing the offense receives remuneration for the cannabis [~~marihuana~~];

(3) a state jail felony if the amount of cannabis [~~marihuana~~] delivered is five pounds or less but more than one-fourth ounce;

(4) a felony of the second degree if the amount of cannabis [~~marihuana~~] delivered is 50 pounds or less but more than five pounds;

(5) a felony of the first degree if the amount of cannabis [~~marihuana~~] delivered is 2,000 pounds or less but more than 50 pounds; and

(6) punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000, if the amount of cannabis [~~marihuana~~] delivered is more than 2,000 pounds.

SECTION 18. Section 481.121, Health and Safety Code, is amended to read as follows:

Sec. 481.121. OFFENSE: POSSESSION OF CANNABIS [~~MARIHUANA~~].

(a) Except as authorized by this chapter, a person commits an offense if the person knowingly or intentionally possesses a usable

1 quantity of cannabis [~~marihuana~~].

2 (b) An offense under Subsection (a) is:

3 (1) a Class B misdemeanor if the amount of cannabis
4 [~~marihuana~~] possessed is two ounces or less;

5 (2) a Class A misdemeanor if the amount of cannabis
6 [~~marihuana~~] possessed is four ounces or less but more than two
7 ounces;

8 (3) a state jail felony if the amount of cannabis
9 [~~marihuana~~] possessed is five pounds or less but more than four
10 ounces;

11 (4) a felony of the third degree if the amount of
12 cannabis [~~marihuana~~] possessed is 50 pounds or less but more than 5
13 pounds;

14 (5) a felony of the second degree if the amount of
15 cannabis [~~marihuana~~] possessed is 2,000 pounds or less but more
16 than 50 pounds; and

17 (6) punishable by imprisonment in the Texas Department
18 of Criminal Justice for life or for a term of not more than 99 years
19 or less than 5 years, and a fine not to exceed \$50,000, if the amount
20 of cannabis [~~marihuana~~] possessed is more than 2,000 pounds.

21 SECTION 19. The heading to Section [481.122](#), Health and
22 Safety Code, is amended to read as follows:

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

25 SECTION 20. Sections [481.122](#)(a) and (b), Health and Safety
26 Code, are amended to read as follows:

27 (a) A person commits an offense if the person knowingly

1 delivers a controlled substance listed in Penalty Group 1, 1-A, 2,
2 or 3 or knowingly delivers cannabis [~~marihuana~~] and the person
3 delivers the controlled substance or cannabis [~~marihuana~~] to a
4 person:

- 5 (1) who is a child;
- 6 (2) who is enrolled in a public or private primary or
7 secondary school; or
- 8 (3) who the actor knows or believes intends to deliver
9 the controlled substance or cannabis [~~marihuana~~] to a person
10 described by Subdivision (1) or (2).

11 (b) It is an affirmative defense to prosecution under this
12 section that:

- 13 (1) the actor was a child when the offense was
14 committed; or
- 15 (2) the actor:
 - 16 (A) was younger than 21 years of age when the
17 offense was committed;
 - 18 (B) delivered only cannabis [~~marihuana~~] in an
19 amount equal to or less than one-fourth ounce; and
 - 20 (C) did not receive remuneration for the
21 delivery.

22 SECTION 21. Section 481.133(c), Health and Safety Code, is
23 amended to read as follows:

24 (c) In this section, "drug test" means a lawfully
25 administered test designed to detect the presence of a controlled
26 substance or cannabis [~~marihuana~~].

27 SECTION 22. Section 31.0031(d), Human Resources Code, is

1 amended to read as follows:

2 (d) The responsibility agreement shall require that:

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

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

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

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

22 (A) continuing the person's education or
23 becoming literate;

24 (B) entering a job placement or employment skills
25 training program;

26 (C) serving as a volunteer in the person's
27 community; or

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

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

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

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

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

16 SECTION 23. Section 1355.006, Insurance Code, is amended to
17 read as follows:

18 Sec. 1355.006. COVERAGE FOR CERTAIN CONDITIONS RELATED TO
19 CONTROLLED SUBSTANCE OR CANNABIS [~~MARIHUANA~~] NOT REQUIRED. (a) In
20 this section, "cannabis" and "controlled substance" [~~and~~
21 "~~marihwana~~"] have the meanings assigned by Section 481.002, Health
22 and Safety Code.

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

25 (1) addiction to a controlled substance or cannabis
26 [~~marihwana~~] that is used in violation of law; or

27 (2) mental illness that results from the use of a

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1 controlled substance or cannabis [~~marihuana~~] in violation of law.

2 SECTION 24. This Act takes effect September 1, 2019.