

By: Johnson

S.B. No. 760

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of and criminal penalties for the possession of marihuana concentrate; creating criminal offenses.

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

ARTICLE 1. AMENDMENTS TO TEXAS CONTROLLED SUBSTANCES ACT

SECTION 1.01. Section 481.002, Health and Safety Code, is amended by adding Subdivision (57) to read as follows:

(57) "Marihuana concentrate" means the resin extracted from a part of the plant Cannabis sativa L., or a compound, manufacture, salt, derivative, mixture, or preparation of the resin.

SECTION 1.02. Section 481.103(a), Health and Safety Code, is amended to read as follows:

(a) Penalty Group 2 consists of:

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

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

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

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

6-(2-aminopropyl)-2,3-dihydrobenzofuran

1 (6-APDB);  
2 5-(2-aminopropyl)indole (5-IT,5-API);  
3 6-(2-aminopropyl)indole (6-IT,6-API);  
4 1-(benzofuran-5-yl)-N-methylpropan-2-amine  
5 (5-MAPB);  
6 1-(benzofuran-6-yl)-N-methylpropan-2-amine  
7 (6-MAPB);  
8 Benzothiophenylcyclohexylpiperidine (BTCP);  
9 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-  
10 4-ethanamine (trade or other name: Bromo-DragonFLY);  
11 Desoxypipradrol (2-benzhydrylpiperidine);  
12 2, 5-dimethoxyamphetamine (some trade or other  
13 names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);  
14 Diphenylprolinol (diphenyl(pyrrolidin-2-yl)  
15 methanol, D2PM);  
16 Dronabinol (synthetic) in sesame oil and  
17 encapsulated in a soft gelatin capsule in a U.S. Food and Drug  
18 Administration approved drug product (some trade or other names for  
19 Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-  
20 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-  
21 (trans)- tetrahydrocannabinol);  
22 Ethylamine Analog of Phencyclidine (some trade or  
23 other names: N-ethyl-1-phenylcyclohexylamine, (1-  
24 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine,  
25 cyclohexamine, PCE);  
26 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone  
27 (trade or other name: methoxetamine);

1                   Ibogaine (some trade or other names: 7-Ethyl-6, 6,  
2 beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-  
3 pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);  
4                   5-iodo-2-aminoindane (5-IAI);  
5                   Mescaline;  
6                   5-methoxy-3, 4-methylenedioxy amphetamine;  
7                   4-methoxyamphetamine (some trade or other names:  
8 4-methoxy-alpha-methylphenethylamine;     paramethoxyamphetamine;  
9 PMA);  
10                  4-methoxymethamphetamine (PMMA);  
11                  2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone  
12 (some trade and other names: 2-MeO-ketamine; methoxyketamine);  
13                  1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,  
14 PPMP);  
15                  4-methyl-2, 5-dimethoxyamphetamine (some trade  
16 and     other     names:     4-methyl-2,     5-dimethoxy-alpha-  
17 methylphenethylamine; "DOM"; "STP");  
18                  3,4-methylenedioxy methamphetamine (MDMA, MDM);  
19                  3,4-methylenedioxy amphetamine;  
20                  3,4-methylenedioxy     N-ethylamphetamine     (Also  
21 known as N-ethyl MDA);  
22                  5,6-methylenedioxy-2-aminoindane (MDAI);  
23                  Nabilone (Another name for nabilone: (+)-trans-  
24 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,  
25 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;  
26                  N-benzylpiperazine (some trade or other names:  
27 BZP; 1-benzylpiperazine);

1 N-ethyl-3-piperidyl benzilate;  
2 N-hydroxy-3,4-methylenedioxyamphetamine (Also  
3 known as N-hydroxy MDA);  
4 4-methylaminorex;  
5 N-methyl-3-piperidyl benzilate;  
6 Parahexyl (some trade or other names: 3-Hexyl-1-  
7 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d]  
8 pyran; Synhexyl);  
9 1-Phenylcyclohexylamine;  
10 1-Piperidinocyclohexanecarbonitrile (PCC);  
11 Pyrrolidine Analog of Phencyclidine (some trade  
12 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);  
13 Tetrahydrocannabinols, other than marihuana or  
14 marihuana concentrate, and synthetic equivalents of the substances  
15 contained in the plant, or in the resinous extractives of Cannabis,  
16 or synthetic substances, derivatives, and their isomers with  
17 similar chemical structure and pharmacological activity such as:  
18 delta-1 cis or trans tetrahydrocannabinol,  
19 and their optical isomers;  
20 delta-6 cis or trans tetrahydrocannabinol,  
21 and their optical isomers;  
22 delta-3, 4 cis or trans  
23 tetrahydrocannabinol, and its optical isomers; or  
24 compounds of these structures, regardless of  
25 numerical designation of atomic positions, since nomenclature of  
26 these substances is not internationally standardized;  
27 Thiophene Analog of Phencyclidine (some trade or

1 other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl  
2 Analog of Phencyclidine; TPCP, TCP);

3 1-pyrrolidine (some trade or other name: TCPy);

4 1-(3-trifluoromethylphenyl)piperazine (trade or  
5 other name: TFMPP); and

6 3,4,5-trimethoxy amphetamine;

7 (2) Phenylacetone (some trade or other names:  
8 Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl  
9 ketone);

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

15 Aminorex (some trade or other names: aminoxaphen;  
16 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-  
17 phenyl-2-oxazolamine);

18 Amphetamine, its salts, optical isomers, and  
19 salts of optical isomers;

20 Cathinone (some trade or other names: 2-amino-1-  
21 phenyl-1-propanone, alpha-aminopropiophenone, 2-  
22 aminopropiophenone);

23 Etaqualone and its salts;

24 Etorphine Hydrochloride;

25 Fenethylline and its salts;

26 Lisdexamfetamine, including its salts, isomers,  
27 and salts of isomers;

1                   Mecloqualone and its salts;  
2                   Methaqualone and its salts;  
3                   Methcathinone (some trade or other names: 2-  
4 methylamino-propiofenone;       alpha-(methylamino)propiofenone;  
5 2-(methylamino)-1-phenylpropan-1-one;                   alpha-N-  
6 methylaminopropiofenone; monomethylpropion; ephedrone, N-  
7 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR  
8 1431);

9                   N-Ethylamphetamine, its salts, optical isomers,  
10 and salts of optical isomers; and

11                   N,N-dimethylamphetamine (some trade or other  
12 names:                   N,N,alpha-trimethylbenzeneethanamine;  
13 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,  
14 and salts of optical isomers;

15                   (4) any compound structurally derived from  
16 2-aminopropanal by substitution at the 1-position with any  
17 monocyclic or fused-polycyclic ring system, including:

18                   (A) compounds further modified by:

19                   (i) substitution in the ring system to any  
20 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or  
21 halide substituents), whether or not further substituted in the  
22 ring system by other substituents;

23                   (ii) substitution at the 3-position with an  
24 alkyl substituent; or

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

- 1 (B) by example, compounds such as:
- 2 4-Methylmethcathinone (Also known as
- 3 Mephedrone);
- 4 3,4-Dimethylmethcathinone (Also known as
- 5 3,4-DMMC);
- 6 3-Fluoromethcathinone (Also known as 3-FMC);
- 7 4-Fluoromethcathinone (Also known as
- 8 Flephedrone);
- 9 3,4-Methylenedioxy-N-methylcathinone (Also
- 10 known as Methylone);
- 11 3,4-Methylenedioxypropylvalerone (Also known
- 12 as MDPV);
- 13 alpha-Pyrrolidinopentiophenone (Also known
- 14 as alpha-PVP);
- 15 Naphthylpropylvalerone (Also known as
- 16 Naphyrone);
- 17 alpha-Methylamino-valerophenone (Also known
- 18 as Pentedrone);
- 19 beta-Keto-N-methylbenzodioxolylpropylamine
- 20 (Also known as Butylone);
- 21 beta-Keto-N-methylbenzodioxolylpentanamine
- 22 (Also known as Pentylone);
- 23 beta-Keto-Ethylbenzodioxolylbutanamine
- 24 (Also known as Eutylone); and
- 25 3,4-methylenedioxy-N-ethylcathinone (Also
- 26 known as Ethylone);
- 27 (5) any compound structurally derived from tryptamine

1 (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

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

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

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

10 (iii) by substitution in the 6-membered  
11 ring to any extent with alkyl, alkoxy, haloalkyl, thioaklyl,  
12 alkylenedioxy, or halide substituents; or

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

15 (B) including:

16 (i) ethers and esters of the controlled  
17 substances listed in this subdivision; and

18 (ii) by example, compounds such as:

19 alpha-ethyltryptamine;

20 alpha-methyltryptamine;

21 Bufotenine (some trade and other names:

22 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;

23 3-(2-dimethylaminoethyl)- 5- indolol; N, N-dimethylserotonin;

24 5-hydroxy-N, N- dimethyltryptamine; mappine);

25 Diethyltryptamine (some trade and  
26 other names: N, N-Diethyltryptamine, DET);

27 Dimethyltryptamine (trade or other



1 name: DMT);  
2 5-methoxy-N, N-diisopropyltryptamine  
3 (5-MeO-DiPT);  
4 O-Acetylpsilocin (Trade or other name:  
5 4-Aco-DMT);  
6 Psilocin; and  
7 Psilocybin;  
8 (6) 2,5-Dimethoxyphenethylamine and any compound  
9 structurally derived from 2,5-Dimethoxyphenethylamine by  
10 substitution at the 4-position of the phenyl ring to any extent  
11 (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide  
12 substituents), including, by example, compounds such as:  
13 4-Bromo-2,5-dimethoxyphenethylamine (trade or  
14 other name: 2C-B);  
15 4-Chloro-2,5-dimethoxyphenethylamine (trade or  
16 other name: 2C-C);  
17 2,5-Dimethoxy-4-methylphenethylamine (trade or  
18 other name: 2C-D);  
19 4-Ethyl-2,5-dimethoxyphenethylamine (trade or  
20 other name: 2C-E);  
21 4-Iodo-2,5-dimethoxyphenethylamine (trade or  
22 other name: 2C-I);  
23 2,5-Dimethoxy-4-nitrophenethylamine (trade or  
24 other name: 2C-N);  
25 2,5-Dimethoxy-4-(n)-propylphenethylamine (trade  
26 or other name: 2C-P);  
27 4-Ethylthio-2,5-dimethoxyphenethylamine (trade

1 or other name: 2C-T-2);  
2                   4-Isopropylthio-2,5-dimethoxyphenethylamine  
3 (trade or other name: 2C-T-4); and  
4                   2,5-Dimethoxy-4-(n)-propylthiophenethylamine  
5 (trade or other name: 2C-T-7); and  
6                   (7) 2,5-Dimethoxyamphetamine and any compound  
7 structurally derived from 2,5-Dimethoxyamphetamine by substitution  
8 at the 4-position of the phenyl ring to any extent (including alkyl,  
9 alkoxy, alkylendioxy, haloalkyl, or halide substituents),  
10 including, by example, compounds such as:  
11                   4-Ethylthio-2,5-dimethoxyamphetamine (trade or  
12 other name: Aleph-2);  
13                   4-Isopropylthio-2,5-dimethoxyamphetamine (trade  
14 or other name: Aleph-4);  
15                   4-Bromo-2,5-dimethoxyamphetamine (trade or other  
16 name: DOB);  
17                   4-Chloro-2,5-dimethoxyamphetamine (trade or  
18 other name: DOC);  
19                   2,5-Dimethoxy-4-ethylamphetamine (trade or other  
20 name: DOET);  
21                   4-Iodo-2,5-dimethoxyamphetamine (trade or other  
22 name: DOI);  
23                   2,5-Dimethoxy-4-methylamphetamine (trade or  
24 other name: DOM);  
25                   2,5-Dimethoxy-4-nitroamphetamine (trade or other  
26 name: DON);  
27                   4-Isopropyl-2,5-dimethoxyamphetamine (trade or

1 other name: DOIP); and

2                               2,5-Dimethoxy-4-(n)-propylamphetamine (trade or  
3 other name: DOPR).

4           SECTION 1.03. Sections 481.111(c) and (e), Health and  
5 Safety Code, are amended to read as follows:

6           (c) A person does not violate Section 481.113, 481.1132,  
7 481.116, 481.1161, 481.121, 481.1211, or 481.125 if the person  
8 possesses or delivers tetrahydrocannabinols or their derivatives,  
9 or drug paraphernalia to be used to introduce tetrahydrocannabinols  
10 or their derivatives into the human body, for use in a federally  
11 approved therapeutic research program.

12           (e) Sections 481.120, 481.121, 481.1211, 481.122, and  
13 481.125 do not apply to a person who engages in the acquisition,  
14 possession, production, cultivation, delivery, or disposal of a raw  
15 material used in or by-product created by the production or  
16 cultivation of low-THC cannabis if the person:

17                       (1) for an offense involving possession only of  
18 marihuana, marihuana concentrate, or drug paraphernalia, is a  
19 patient for whom low-THC cannabis is prescribed under Chapter 169,  
20 Occupations Code, or the patient's legal guardian, and the person  
21 possesses low-THC cannabis obtained under a valid prescription from  
22 a dispensing organization; or

23                       (2) is a director, manager, or employee of a  
24 dispensing organization and the person, solely in performing the  
25 person's regular duties at the organization, acquires, possesses,  
26 produces, cultivates, dispenses, or disposes of:

27                               (A) in reasonable quantities, any low-THC

1 cannabis or raw materials used in or by-products created by the  
2 production or cultivation of low-THC cannabis; or

3 (B) any drug paraphernalia used in the  
4 acquisition, possession, production, cultivation, delivery, or  
5 disposal of low-THC cannabis.

6 SECTION 1.04. Subchapter D, Chapter 481, Health and Safety  
7 Code, is amended by adding Section 481.1132 to read as follows:

8 Sec. 481.1132. OFFENSE: MANUFACTURE OR DELIVERY OF  
9 MARIHUANA CONCENTRATE. (a) Except as authorized by this chapter, a  
10 person commits an offense if the person knowingly manufactures,  
11 delivers, or possesses with intent to deliver marihuana  
12 concentrate.

13 (b) An offense under Subsection (a) is a Class B misdemeanor  
14 if the amount of marihuana concentrate is less than two grams and  
15 the person committing the offense does not receive remuneration for  
16 the manufacture or delivery of the marihuana concentrate.

17 (c) An offense under Subsection (a) is a Class A misdemeanor  
18 if the amount of marihuana concentrate is less than two grams and  
19 the person committing the offense receives remuneration for the  
20 manufacture or delivery of the marihuana concentrate.

21 (d) An offense under Subsection (a) is a state jail felony  
22 if the amount of marihuana concentrate is two grams or more but less  
23 than 12 grams.

24 (e) An offense under Subsection (a) is a felony of the third  
25 degree if the amount of marihuana concentrate is 12 grams or more  
26 but less than 200 grams.

27 (f) An offense under Subsection (a) is a felony of the first

1 degree if the amount of marihuana concentrate is 200 grams or more  
2 but less than 500 grams.

3 (g) An offense under Subsection (a) is punishable by  
4 imprisonment in the Texas Department of Criminal Justice for life  
5 or for a term of not more than 99 years or less than 10 years, and a  
6 fine not to exceed \$100,000, if the amount of marihuana concentrate  
7 is 500 grams or more.

8 (h) For purposes of the prosecution of an offense under this  
9 section, the amount of marihuana concentrate manufactured,  
10 delivered, or possessed is the weight of the marihuana concentrate,  
11 excluding adulterants or dilutants.

12 (i) The director shall adopt rules for determining the  
13 amount of marihuana concentrate in a product that contains a  
14 combination of marihuana concentrate and adulterants or dilutants.

15 SECTION 1.05. Subchapter D, Chapter 481, Health and Safety  
16 Code, is amended by adding Section 481.1211 to read as follows:

17 Sec. 481.1211. OFFENSE: POSSESSION OF MARIHUANA  
18 CONCENTRATE. (a) Except as authorized by this chapter, a person  
19 commits an offense if the person knowingly or intentionally  
20 possesses a usable quantity of marihuana concentrate.

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

22 (1) a Class B misdemeanor if the amount of marihuana  
23 concentrate possessed is less than six grams;

24 (2) a Class A misdemeanor if the amount of marihuana  
25 concentrate possessed is six grams or more but less than 12 grams;

26 (3) a state jail felony if the amount of marihuana  
27 concentrate possessed is 12 grams or more but less than 200 grams;

1           (4) a felony of the third degree if the amount of  
2 marihuana concentrate possessed is 200 grams or more but less than  
3 500 grams; and

4           (5) a felony of the first degree if the amount of  
5 marihuana concentrate possessed is 500 grams or more.

6           (c) For purposes of the prosecution of an offense under this  
7 section, the amount of marihuana concentrate possessed is the  
8 weight of the marihuana concentrate, excluding adulterants or  
9 dilutants.

10           (d) The director shall adopt rules for determining the  
11 amount of marihuana concentrate in a product that contains a  
12 combination of marihuana concentrate and adulterants or dilutants.

13           SECTION 1.06. The heading to Section 481.122, Health and  
14 Safety Code, is amended to read as follows:

15           Sec. 481.122. OFFENSE: DELIVERY OF CONTROLLED SUBSTANCE,  
16 MARIHUANA, OR MARIHUANA CONCENTRATE TO CHILD.

17           SECTION 1.07. Section 481.122(a), Health and Safety Code,  
18 is amended to read as follows:

19           (a) A person commits an offense if the person knowingly  
20 delivers a controlled substance listed in Penalty Group 1, 1-A, 2,  
21 or 3 or knowingly delivers marihuana or marihuana concentrate and  
22 the person delivers the controlled substance, marihuana, or  
23 marihuana concentrate to a person:

24           (1) who is a child;

25           (2) who is enrolled in a public or private primary or  
26 secondary school; or

27           (3) who the actor knows or believes intends to deliver

1 the controlled substance, marihuana, or marihuana concentrate to a  
2 person described by Subdivision (1) or (2).

3 SECTION 1.08. Section 481.126(a), Health and Safety Code,  
4 is amended to read as follows:

5 (a) A person commits an offense if the person:

6 (1) barter property or expends funds the person knows  
7 are derived from the commission of an offense under this chapter  
8 punishable by imprisonment in the Texas Department of Criminal  
9 Justice for life;

10 (2) barter property or expends funds the person knows  
11 are derived from the commission of:

12 (A) an offense under Section 481.121(a) that is  
13 punishable under Section 481.121(b)(5); or

14 (B) an offense under Section 481.1211(a) that is  
15 punishable under Section 481.1211(b)(5);

16 (3) barter property or finances or invests funds the  
17 person knows or believes are intended to further the commission of  
18 an offense for which the punishment is described by Subdivision  
19 (1); or

20 (4) barter property or finances or invests funds the  
21 person knows or believes are intended to further the commission of:

22 (A) an offense under Section 481.121(a) that is  
23 punishable under Section 481.121(b)(5); or

24 (B) an offense under Section 481.1211(a) that is  
25 punishable under Section 481.1211(b)(5).

26 SECTION 1.09. Section 481.133(c), Health and Safety Code,  
27 is amended to read as follows:

1 (c) In this section, "drug test" means a lawfully  
2 administered test designed to detect the presence of a controlled  
3 substance, marihuana, or marihuana concentrate.

4 SECTION 1.10. Sections 481.134(b), (c), (d), (e), and (f),  
5 Health and Safety Code, are amended to read as follows:

6 (b) An offense otherwise punishable as a state jail felony  
7 under Section 481.112, 481.1121, 481.113, 481.1132, 481.114, or  
8 481.120 is punishable as a felony of the third degree, an offense  
9 otherwise punishable as a felony of the third degree under any of  
10 those sections is punishable as a felony of the second degree, and  
11 an offense otherwise punishable as a felony of the second degree  
12 under any of those sections is punishable as a felony of the first  
13 degree, if it is shown at the punishment phase of the trial of the  
14 offense that the offense was committed:

15 (1) in, on, or within 1,000 feet of premises owned,  
16 rented, or leased by an institution of higher education [~~learning~~],  
17 the premises of a public or private youth center, or a playground;  
18 or

19 (2) in, on, or within 300 feet of the premises of a  
20 public swimming pool or video arcade facility.

21 (c) The minimum term of confinement or imprisonment for an  
22 offense otherwise punishable under Section 481.112(c), (d), (e), or  
23 (f), 481.1121(b)(2), (3), or (4), 481.113(c), (d), or (e),  
24 481.1132(e), (f), or (g), 481.114(c), (d), or (e), 481.115(c)-(f),  
25 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d), or (e),  
26 481.1161(b)(4), (5), or (6), 481.117(c), (d), or (e), 481.118(c),  
27 (d), or (e), 481.120(b)(4), (5), or (6), [~~or~~] 481.121(b)(4), (5),



1 or (6), or 481.1211(b)(4) or (5) is increased by five years and the  
2 maximum fine for the offense is doubled if it is shown on the trial  
3 of the offense that the offense was committed:

4 (1) in, on, or within 1,000 feet of the premises of a  
5 school, the premises of a public or private youth center, or a  
6 playground; or

7 (2) on a school bus.

8 (d) An offense otherwise punishable under Section  
9 481.112(b), 481.1121(b)(1), 481.113(b), 481.1132(d), 481.114(b),  
10 481.115(b), 481.1151(b)(1), 481.116(b), 481.1161(b)(3),  
11 481.120(b)(3), [~~or~~] 481.121(b)(3), or 481.1211(b)(3) is a felony of  
12 the third degree if it is shown on the trial of the offense that the  
13 offense was committed:

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

17 (2) on a school bus.

18 (e) An offense otherwise punishable under Section  
19 481.1132(c), 481.117(b), 481.119(a), 481.120(b)(2), [~~or~~]  
20 481.121(b)(2), or 481.1211(b)(2) is a state jail felony if it is  
21 shown on the trial of the offense that the offense was committed:

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

25 (2) on a school bus.

26 (f) An offense otherwise punishable under Section  
27 481.1132(b), 481.118(b), 481.119(b), 481.120(b)(1), [~~or~~]

1 [481.121\(b\)\(1\)](#), or [481.1211\(b\)\(1\)](#) is a Class A misdemeanor if it is  
2 shown on the trial of the offense that the offense was committed:

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

6 (2) on a school bus.

7 SECTION 1.11. Section [481.140\(a\)](#), Health and Safety Code,  
8 is amended to read as follows:

9 (a) If it is shown at the punishment phase of the trial of an  
10 offense otherwise punishable as a state jail felony, felony of the  
11 third degree, or felony of the second degree under Section [481.112](#),  
12 [481.1121](#), [481.113](#), [481.1132](#), [481.114](#), [481.120](#), or [481.122](#) that the  
13 defendant used or attempted to use a child younger than 18 years of  
14 age to commit or assist in the commission of the offense, the  
15 punishment is increased by one degree, unless the defendant used or  
16 threatened to use force against the child or another to gain the  
17 child's assistance, in which event the punishment for the offense  
18 is a felony of the first degree.

19 SECTION 1.12. Section [481.141\(b\)](#), Health and Safety Code,  
20 is amended to read as follows:

21 (b) This section applies to an offense otherwise punishable  
22 as a state jail felony, felony of the third degree, or felony of the  
23 second degree under Section [481.112](#), [481.1121](#), [481.113](#), [481.1132](#),  
24 [481.114](#), or [481.122](#).

25 ARTICLE 2. CONFORMING AMENDMENTS

26 SECTION 2.01. Article [13.22](#), Code of Criminal Procedure, is  
27 amended to read as follows:

1 Art. 13.22. POSSESSION AND DELIVERY OF MARIHUANA OR  
2 MARIHUANA CONCENTRATE. An offense of possession or delivery of  
3 marihuana or marihuana concentrate may be prosecuted in the county  
4 where the offense was committed or with the consent of the defendant  
5 in a county that is adjacent to and in the same judicial district as  
6 the county where the offense was committed.

7 SECTION 2.02. Article 14.06(d), Code of Criminal Procedure,  
8 is amended to read as follows:

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

11 (1) Section 481.121, Health and Safety Code, if the  
12 offense is punishable under Subsection (b)(1) or (2) of that  
13 section;

14 (1-a) Section 481.1161, Health and Safety Code, if the  
15 offense is punishable under Subsection (b)(1) or (2) of that  
16 section;

17 (1-b) Section 481.1211, Health and Safety Code, if the  
18 offense is punishable under Subsection (b)(1) or (2) of that  
19 section;

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

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

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

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

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

3           (7) Section 521.457, Transportation Code.

4           SECTION 2.03. Article 15.27(h), Code of Criminal Procedure,  
5 is amended to read as follows:

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

8           (1) an offense under Section 20.02, 21.08, 22.01,  
9 22.05, 22.07, or 71.02, Penal Code;

10           (2) the unlawful use, sale, or possession of a  
11 controlled substance, drug paraphernalia, marihuana, or marihuana  
12 concentrate, as defined by Chapter 481, Health and Safety Code; or

13           (3) the unlawful possession of any of the weapons or  
14 devices listed in Sections 46.01(1)-(14) or Section 46.01(16)  
15 [~~46.01(16)~~], Penal Code, or a weapon listed as a prohibited weapon under  
16 Section 46.05, Penal Code.

17           SECTION 2.04. Article 18A.101, Code of Criminal Procedure,  
18 is amended to read as follows:

19           Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE  
20 ISSUED. A judge of competent jurisdiction may issue an  
21 interception order only if the prosecutor applying for the order  
22 shows probable cause to believe that the interception will provide  
23 evidence of the commission of:

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

26           (A) Chapter 481, other than felony possession of  
27 marihuana or marihuana concentrate;

1 (B) Chapter 483; or

2 (C) Section 485.032;

3 (2) an offense under any of the following provisions  
4 of the Penal Code:

5 (A) Section 19.02;

6 (B) Section 19.03;

7 (C) Section 20.03;

8 (D) Section 20.04;

9 (E) Chapter 20A;

10 (F) Chapter 34, if the criminal activity giving  
11 rise to the proceeds involves the commission of an offense under  
12 Title 5, Penal Code, or an offense under federal law or the laws of  
13 another state containing elements that are substantially similar to  
14 the elements of an offense under Title 5;

15 (G) Section 38.11;

16 (H) Section 43.04;

17 (I) Section 43.05; or

18 (J) Section 43.26; or

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

21 SECTION 2.05. Article 42A.514(a), Code of Criminal  
22 Procedure, is amended to read as follows:

23 (a) If a judge grants community supervision to a defendant  
24 younger than 18 years of age convicted of an alcohol-related  
25 offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or  
26 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or  
27 an offense involving possession of a controlled substance, ~~[or]~~

1 marihuana, or marihuana concentrate under Section 481.115,  
2 481.1151, 481.116, 481.1161, 481.117, 481.118, [~~or~~] 481.121, or  
3 481.1211, Health and Safety Code, the judge may require the  
4 defendant as a condition of community supervision to attend, as  
5 appropriate:

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

8 (2) a drug education program that is designed to  
9 educate persons on the dangers of drug abuse and is approved by the  
10 Department of State Health Services in accordance with Section  
11 521.374, Transportation Code.

12 SECTION 2.06. Articles 42A.551(a) and (c), Code of Criminal  
13 Procedure, are amended to read as follows:

14 (a) Except as otherwise provided by Subsection (b) or (c),  
15 on conviction of a state jail felony under Section 481.115(b),  
16 481.1151(b)(1), 481.116(b), 481.1161(b)(3), 481.121(b)(3),  
17 481.1211(b)(3), or 481.129(g)(1), Health and Safety Code, that is  
18 punished under Section 12.35(a), Penal Code, the judge shall  
19 suspend the imposition of the sentence and place the defendant on  
20 community supervision.

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

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

25 (2) under Section 481.1161(b)(3), Health and Safety  
26 Code, possessed more than one pound, by aggregate weight, including  
27 adulterants or dilutants, of the controlled substance; [~~or~~]

1           (3) under Section 481.121(b)(3), Health and Safety  
2 Code, possessed more than one pound of marihuana; or

3           (4) under Section 481.1211(b)(3), Health and Safety  
4 Code, possessed more than 40 grams of marihuana concentrate.

5           SECTION 2.07. Article 42A.555(a), Code of Criminal  
6 Procedure, is amended to read as follows:

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

11           (1) not less than 90 days or more than 180 days; or

12           (2) not less than 90 days or more than one year, if the  
13 defendant is convicted of an offense punishable as a state jail  
14 felony under Section 481.112, 481.1121, 481.113, 481.1132, or  
15 481.120, Health and Safety Code.

16           SECTION 2.08. Section 37.005(c), Education Code, is amended  
17 to read as follows:

18           (c) A student who is enrolled in a grade level below grade  
19 three may not be placed in out-of-school suspension unless while on  
20 school property or while attending a school-sponsored or  
21 school-related activity on or off of school property, the student  
22 engages in:

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

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

27 or

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

3           (A) marihuana, marihuana concentrate, or a  
4 controlled substance, as defined by Chapter 481, Health and Safety  
5 Code, or by 21 U.S.C. Section 801 et seq.;

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

8           (C) an alcoholic beverage, as defined by Section  
9 1.04, Alcoholic Beverage Code.

10         SECTION 2.09. Section 37.006(a), Education Code, is amended  
11 to read as follows:

12         (a) A student shall be removed from class and placed in a  
13 disciplinary alternative education program as provided by Section  
14 37.008 if the student:

15           (1) engages in conduct involving a public school that  
16 contains the elements of the offense of false alarm or report under  
17 Section 42.06, Penal Code, or terroristic threat under Section  
18 22.07, Penal Code; or

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

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

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

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



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

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

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

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

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

17 SECTION 2.10. Section 37.007(b), Education Code, is amended  
18 to read as follows:

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

20 (1) engages in conduct involving a public school that  
21 contains the elements of the offense of false alarm or report under  
22 Section 42.06, Penal Code, or terroristic threat under Section  
23 22.07, Penal Code;

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

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

3 (i) marihuana, marihuana concentrate, or a  
4 controlled substance, as defined by Chapter 481, Health and Safety  
5 Code, or by 21 U.S.C. Section 801 et seq.;

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

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

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

13 (C) engages in conduct that contains the elements  
14 of an offense under Section 22.01(a)(1), Penal Code, against a  
15 school district employee or a volunteer as defined by Section  
16 22.053 of this code; or

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

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

22 (A) engages in conduct specified by Subsection  
23 (a); or

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

26 (4) engages in conduct that contains the elements of  
27 any offense listed in Subsection (a)(2)(A) or (C) or the offense of

1 aggravated robbery under Section 29.03, Penal Code, against another  
2 student, without regard to whether the conduct occurs on or off of  
3 school property or while attending a school-sponsored or  
4 school-related activity on or off of school property; or

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

8 (A) the conduct involves accessing a computer,  
9 computer network, or computer system owned by or operated on behalf  
10 of a school district; and

11 (B) the student knowingly:

12 (i) alters, damages, or deletes school  
13 district property or information; or

14 (ii) commits a breach of any other  
15 computer, computer network, or computer system.

16 SECTION 2.11. Section 37.015(a), Education Code, is amended  
17 to read as follows:

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

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

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

4 (3) a terroristic threat under Section 22.07, Penal  
5 Code;

6 (4) the use, sale, or possession of a controlled  
7 substance, drug paraphernalia, marihuana, or marihuana concentrate  
8 under Chapter 481, Health and Safety Code;

9 (5) the possession of any of the weapons or devices  
10 listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal  
11 Code;

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

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

17 SECTION 2.12. Section 37.016, Education Code, is amended to  
18 read as follows:

19 Sec. 37.016. REPORT OF DRUG OFFENSES; LIABILITY. A  
20 teacher, school administrator, or school employee is not liable in  
21 civil damages for reporting to a school administrator or  
22 governmental authority, in the exercise of professional judgment  
23 within the scope of the teacher's, administrator's, or employee's  
24 duties, a student whom the teacher suspects of using, passing, or  
25 selling, on school property:

26 (1) marihuana, marihuana concentrate, or a controlled  
27 substance, as defined by Chapter 481, Health and Safety Code;

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

3           (3) an abusable volatile chemical [~~glue or aerosol~~  
4 ~~paint~~], as defined by Chapter 485, Health and Safety Code, [~~or a~~  
5 ~~volatile chemical, as listed in Chapter 484, Health and Safety~~  
6 ~~Code,~~] if the substance is used or sold for the purpose of inhaling  
7 its fumes or vapors; or

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

10           SECTION 2.13. Section 53.03(h-1), Family Code, is amended  
11 to read as follows:

12           (h-1) If the child is alleged to have engaged in delinquent  
13 conduct or conduct indicating a need for supervision that violates  
14 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118,  
15 [~~or~~] 481.121, or 481.1211, Health and Safety Code, deferred  
16 prosecution under this section may include a condition that the  
17 child attend a drug education program that is designed to educate  
18 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 2.14. Section 54.047(a), Family Code, is amended to  
22 read as follows:

23           (a) If the court or jury finds at an adjudication hearing  
24 for a child that the child engaged in delinquent conduct or conduct  
25 indicating a need for supervision that constitutes a violation of  
26 Section 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118,  
27 [~~or~~] 481.121, or 481.1211, Health and Safety Code, the court may

1 order that the child attend a drug education program that is  
2 designed to educate persons on the dangers of drug abuse and is  
3 approved by the Department of State Health Services in accordance  
4 with Section 521.374, Transportation Code.

5 SECTION 2.15. Section 76.017(b), Government Code, is  
6 amended to read as follows:

7 (b) The program must:

8 (1) include automatic screening and evaluation of a  
9 person arrested for an offense, other than a Class C misdemeanor, in  
10 which an element of the offense is the use or possession of alcohol  
11 or the use, possession, or sale of a controlled substance,  
12 marihuana, or marihuana concentrate;

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

18 (3) coordinate the evaluation and referral to  
19 treatment services; and

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

23 SECTION 2.16. Section 123.002, Government Code, is amended  
24 to read as follows:

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

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

3 (A) an offense in which an element of the offense  
4 is the use or possession of alcohol or the use, possession, or sale  
5 of a controlled substance, a controlled substance analogue,  
6 marihuana, or marihuana concentrate; or

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

11 (i) carrying, possessing, or using a  
12 firearm or other dangerous weapon;

13 (ii) the use of force against the person of  
14 another; or

15 (iii) the death of or serious bodily injury  
16 to another;

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

19 (A) delinquent conduct, including habitual  
20 felony conduct, or conduct indicating a need for supervision in  
21 which an element of the conduct is the use or possession of alcohol  
22 or the use, possession, or sale of a controlled substance, a  
23 controlled substance analogue, marihuana, or marihuana  
24 concentrate; or

25 (B) delinquent conduct, including habitual  
26 felony conduct, or conduct indicating a need for supervision in  
27 which the use of alcohol or a controlled substance is suspected to

1 have significantly contributed to the commission of the conduct and  
2 the conduct did not involve:

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

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

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

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

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

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

21 SECTION 2.17. Section [411.0728](#)(a), Government Code, is  
22 amended to read as follows:

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

24 (1) who is placed on community supervision under  
25 Chapter [42A](#), Code of Criminal Procedure, after conviction for an  
26 offense under:

27 (A) Section [481.120](#), Health and Safety Code, if



1 the offense is punishable under Subsection (b)(1);

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

4 (B-1) Section 481.1211, Health and Safety Code,  
5 if the offense is punishable under Subsection (b)(1);

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

8 (D) Section 43.02, Penal Code; or

9 (E) Section 43.03(a)(2), Penal Code, if the  
10 offense is punishable as a Class A misdemeanor; and

11 (2) with respect to whom the conviction is  
12 subsequently set aside by the court under Article 42A.701, Code of  
13 Criminal Procedure.

14 SECTION 2.18. Section 31.0031(d), Human Resources Code, is  
15 amended to read as follows:

16 (d) The responsibility agreement shall require that:

17 (1) the parent of a dependent child cooperate with the  
18 commission and the Title IV-D agency if necessary to establish the  
19 paternity of the dependent child and to establish or enforce child  
20 support;

21 (2) if adequate and accessible providers of the  
22 services are available in the geographic area and subject to the  
23 availability of funds, each dependent child, as appropriate,  
24 complete early and periodic screening, diagnosis, and treatment  
25 checkups on schedule and receive the immunization series prescribed  
26 by Section 161.004, Health and Safety Code, unless the child is  
27 exempt under that section;

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

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

9                   (A) continuing the person's education or  
10 becoming literate;

11                   (B) entering a job placement or employment skills  
12 training program;

13                   (C) serving as a volunteer in the person's  
14 community; or

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

17           (5) each caretaker relative or parent receiving  
18 assistance not use, sell, or possess marihuana, marihuana  
19 concentrate, or a controlled substance in violation of Chapter 481,  
20 Health and Safety Code, or abuse alcohol;

21           (6) each dependent child younger than 18 years of age  
22 or teen parent younger than 19 years of age attend school regularly,  
23 unless the child has a high school diploma or high school  
24 equivalency certificate or is specifically exempted from school  
25 attendance under Section 25.086, Education Code;

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

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

3 SECTION 2.19. Section 1355.006, Insurance Code, is amended  
4 to read as follows:

5 Sec. 1355.006. COVERAGE FOR CERTAIN CONDITIONS RELATED TO  
6 CONTROLLED SUBSTANCE, MARIHUANA, OR MARIHUANA CONCENTRATE NOT  
7 REQUIRED. (a) In this section, "controlled substance," ~~and~~  
8 "marihuana," and "marihuana concentrate" have the meanings  
9 assigned by Section 481.002, Health and Safety Code.

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

12 (1) addiction to a controlled substance, marihuana, or  
13 marihuana concentrate that is used in violation of law; or

14 (2) mental illness that results from the use of a  
15 controlled substance, marihuana, or marihuana concentrate in  
16 violation of law.

17 ARTICLE 3. TRANSITION PROVISION; EFFECTIVE DATE

18 SECTION 3.01. The change in law made by this Act applies  
19 only to an offense committed on or after the effective date of this  
20 Act. An offense committed before the effective date of this Act is  
21 governed by the law in effect on the date the offense was committed,  
22 and the former law is continued in effect for that purpose. For  
23 purposes of this section, an offense was committed before the  
24 effective date of this Act if any element of the offense occurred  
25 before that date.

26 SECTION 3.02. This Act takes effect September 1, 2019.