

BILL ANALYSIS

H.B. 1108
By: Dominguez
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

An individual must pass a criminal history background check in order to be issued a license to operate as a dispensing organization under the Texas Compassionate-Use Act or to act as a director, manager, or employee of a dispensing organization. It has been suggested that given the nature of these organizations, it is inappropriate for an individual to fail the background check simply on the basis of a prior conviction for a low-level offense involving marijuana possession. H.B. 1108 seeks to ensure that a prior conviction of or placement on deferred adjudication community supervision for such an offense does not prevent an individual from passing the criminal history background check under the Texas Compassionate-Use Act.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1108 amends the Health and Safety Code to require the criteria established for determining whether an individual passes the criminal history background check required to obtain a license to operate as a dispensing organization under the Texas Compassionate-Use Act or to act as a director, manager, or employee of such an organization to provide that an individual's conviction of or placement on deferred adjudication community supervision for an offense involving marijuana possession that was punishable as a misdemeanor does not prevent the individual from passing the background check.

EFFECTIVE DATE

September 1, 2021.