

BILL ANALYSIS

H.B. 2593
By: Moody
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

While current law punishes the possession of marihuana, whose active component is tetrahydrocannabinol (THC), as a misdemeanor, the possession of THC in any other format is a felony. It has been suggested that this disparity has no rational basis and leads to uneven and sometimes unduly harsh results. H.B. 2593 seeks to remedy this situation by removing THC from Penalty Group 2 of the Texas Controlled Substances Act, which consists of hallucinogens having a penalty range originating at the felony level, and creating a new Penalty Group 2-B, consisting of THC other than marihuana and having a penalty range originating at the misdemeanor level.

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. 2593 amends the Health and Safety Code to create Penalty Group 2-B under the Texas Controlled Substances Act and to transfer from Penalty Group 2 to Penalty Group 2-B the following substances, their salts, isomers, and salts of isomers, unless specifically excepted, if their existence is possible within the specific chemical designation: Tetrahydrocannabinols, other than marihuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, including certain specified structures and compounds of those structures.

H.B. 2593 extends to Penalty Group 2-B substances the applicability of certain provisions under the act governing the following:

- the classification of certain controlled substance analogues;
- offenses for the manufacture or delivery of a substance in Penalty Group 2 or 2-A or for possession of a substance in Penalty Group 2-A; and
- the offense for the delivery of a controlled substance or marihuana to a child.

H.B. 2593 amends the Occupations Code to include a substance listed in Penalty Group 2-B as a controlled substance under the Texas Pharmacy Act and to exclude that substance from the term "dangerous drug" under the act.

EFFECTIVE DATE

September 1, 2021.