

By: Gutierrez

S.B. No. 1972

A BILL TO BE ENTITLED

AN ACT

relating to the definition of marihuana.

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

SECTION 1. Section 481.002 (26), Health & Safety Code, is amended to read as follows:

(26) "Marihuana" means the plant *Cannabis sativa* L., whether growing or not, the seeds of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds. The term includes edible marihuana products and any compound used in e-cigarettes as defined by Section 161.081.

The term does not include:

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

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

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

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

(E) the sterilized seeds of the plant that are incapable of beginning germination; or

(F) hemp, as that term is defined by Section 121.001, Agriculture Code.

SECTION 2. Section 481.111, Health & Safety Code, is

1 amended to read as follows:

2 Sec. 481.111. EXEMPTIONS. (a) The provisions of this
3 chapter relating to the possession and distribution of peyote do
4 not apply to the use of peyote by a member of the Native American
5 Church in bona fide religious ceremonies of the church or to a
6 person who supplies the substance to the church. An exemption
7 granted to a member of the Native American Church under this section
8 does not apply to a member with less than 25 percent Indian blood.

9 (b) The provisions of this chapter relating to the
10 possession of denatured sodium pentobarbital do not apply to
11 possession by personnel of a humane society or an animal control
12 agency for the purpose of destroying injured, sick, homeless, or
13 unwanted animals if the humane society or animal control agency is
14 registered with the Federal Drug Enforcement Administration. The
15 provisions of this chapter relating to the distribution of
16 denatured sodium pentobarbital do not apply to a person registered
17 as required by Subchapter C, who is distributing the substance for
18 that purpose to a humane society or an animal control agency
19 registered with the Federal Drug Enforcement Administration.

20 (c) A person does not violate Section [481.113](#), [481.116](#),
21 [481.1161](#), [481.121](#), or [481.125](#) if the person possesses or delivers
22 tetrahydrocannabinols or their derivatives, or drug paraphernalia
23 to be used to introduce tetrahydrocannabinols or their derivatives
24 into the human body, for use in a federally approved therapeutic
25 research program.

26 (d) The provisions of this chapter relating to the
27 possession and distribution of anabolic steroids do not apply to

1 the use of anabolic steroids that are administered to livestock or
2 poultry.

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

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

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

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

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

24 (f) For purposes of Subsection (e):

25 (1) "Dispensing organization" has the meaning
26 assigned by Section [487.001](#).

27 (2) "Low-THC cannabis" has the meaning assigned by

1 Section 169.001, Occupations Code.

2 (g) Sections 481.103 and 481.1031 do not apply to a
3 substance or material that contains Tetrahydrocannabinol or its
4 synthetic equivalents and is also contained in an edible product or
5 for use in an e-cigarette.

6 SECTION 3. This Act takes effect September 1, 2021.