

1-1 By: Thompson of Brazoria (Senate Sponsor - Parker) H.B. No. 114
 1-2 (In the Senate - Received from the House April 26, 2023;
 1-3 May 2, 2023, read first time and referred to Committee on
 1-4 Education; May 22, 2023, reported favorably by the following vote:
 1-5 Yeas 13, Nays 0; May 22, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the possession, use, or delivery of marihuana or
 1-24 e-cigarettes on or near public school property or at certain school
 1-25 events.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 37.006, Education Code, is amended by
 1-28 amending Subsection (a) and adding Subsection (d-1) to read as
 1-29 follows:

1-30 (a) A student shall be removed from class and placed in a
 1-31 disciplinary alternative education program as provided by Section
 1-32 37.008 if the student:

1-33 (1) engages in conduct involving a public school that
 1-34 contains the elements of the offense of false alarm or report under
 1-35 Section 42.06, Penal Code, or terroristic threat under Section
 1-36 22.07, Penal Code; or

1-37 (2) commits the following on or within 300 feet of
 1-38 school property, as measured from any point on the school's real
 1-39 property boundary line, or while attending a school-sponsored or
 1-40 school-related activity on or off of school property:

1-41 (A) engages in conduct punishable as a felony;

1-42 (B) engages in conduct that contains the elements
 1-43 of the offense of assault under Section 22.01(a)(1), Penal Code;

1-44 (C) sells, gives, or delivers to another person
 1-45 or possesses or uses or is under the influence of:

1-46 (i) ~~marihuana or~~ a controlled substance,
 1-47 as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
 1-48 Section 801 et seq.; or

1-49 (ii) a dangerous drug, as defined by
 1-50 Chapter 483, Health and Safety Code;

1-51 (C-1) sells, gives, or delivers marihuana to
 1-52 another person;

1-53 (D) sells, gives, or delivers to another person
 1-54 an alcoholic beverage, as defined by Section 1.04, Alcoholic
 1-55 Beverage Code, commits a serious act or offense while under the
 1-56 influence of alcohol, or possesses, uses, or is under the influence
 1-57 of an alcoholic beverage;

1-58 (E) engages in conduct that contains the elements
 1-59 of an offense relating to an abusable volatile chemical under
 1-60 Sections 485.031 through 485.034, Health and Safety Code;

1-61 (F) engages in conduct that contains the elements

2-1 of the offense of public lewdness under Section 21.07, Penal Code,
2-2 or indecent exposure under Section 21.08, Penal Code; or

2-3 (G) engages in conduct that contains the elements
2-4 of the offense of harassment under Section 42.07(a)(1), (2), (3),
2-5 or (7), Penal Code, against an employee of the school district.

2-6 (d-1) In addition to Subsections (a), (b), (c), and (d), a
2-7 student may be removed from class and placed in a disciplinary
2-8 alternative education program under Section 37.008 if the student
2-9 possesses, uses, or is under the influence of marihuana on or within
2-10 300 feet of school property, as measured from any point on the
2-11 school's real property boundary line, or while attending a
2-12 school-sponsored or school-related activity on or off of school
2-13 property. A school district shall require a student who engages in
2-14 conduct described by this subsection, not later than 30 days after
2-15 the date the conduct occurs, to complete an agency-approved drug
2-16 and alcohol awareness program, which may be offered in-person or
2-17 online.

2-18 SECTION 2. Section 38.006, Education Code, is amended by
2-19 adding Subsection (c) to read as follows:

2-20 (c) If a school administrator, school resource officer, or
2-21 school district peace officer observes the use, possession, or
2-22 delivery of an e-cigarette by a student on school property or at a
2-23 school-related or school-sanctioned activity on or off school
2-24 property, the administrator or officer may:

- 2-25 (1) confiscate and dispose of the e-cigarette; and
- 2-26 (2) notify the appropriate local law enforcement
2-27 agency of the student's conduct constituting an offense under
2-28 Section 161.252, Health and Safety Code, or Section 48.01, Penal
2-29 Code.

2-30 SECTION 3. Not later than October 1, 2023, the Texas
2-31 Education Agency shall approve one or more drug or alcohol
2-32 awareness programs for purposes of Section 37.006(d-1), Education
2-33 Code, as added by this Act.

2-34 SECTION 4. This Act takes effect September 1, 2023.

2-35 * * * * *