

By: Rosenthal

H.B. No. 1763

A BILL TO BE ENTITLED

1 AN ACT
2 relating to repealing certain offenses and removing certain
3 regulations relating to marihuana, cannabis, cannabinoids,
4 synthetic cannabinoids, and paraphernalia.

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

6 SECTION 1. The following provisions are repealed:

- 7 (1) Section 122.103(c), Agriculture Code;
- 8 (2) Section 122.358, Agriculture Code;
- 9 (3) Sections 69.06(e) and 104.01(c), Alcoholic
10 Beverage Code;
- 11 (4) Article 13A.553, Code of Criminal Procedure;
- 12 (5) Sections 443.202(a) and 443.2025(a), Health and
13 Safety Code;
- 14 (6) Section 481.002(17), Health and Safety Code;
- 15 (7) Section 481.1031, Health and Safety Code;
- 16 (8) Sections 481.111(c), (e), and (f), Health and
17 Safety Code;
- 18 (9) Sections 481.1131, 481.1161, 481.120, 481.121,
19 481.125, and 481.183, Health and Safety Code;
- 20 (10) Subchapter G, Chapter 481, Health and Safety
21 Code;
- 22 (11) Chapter 487, Health and Safety Code; and
- 23 (12) Chapter 169, Occupations Code.

24 SECTION 2. Section 122.354, Agriculture Code, is amended to

1 read as follows:

2 Sec. 122.354. DEPARTMENT RULES. The department [~~in~~
3 ~~consultation with the Department of Public Safety,~~] shall adopt
4 rules regulating the transportation of hemp in this state [~~to~~
5 ~~ensure that illegal marihuana is not transported into or through~~
6 ~~this state disguised as legal hemp~~].

7 SECTION 3. Section 69.06(a), Alcoholic Beverage Code, is
8 amended to read as follows:

9 (a) The commission shall deny an original application for a
10 retail dealer's on-premise license if the commission finds that the
11 applicant or the applicant's spouse, during the five years
12 immediately preceding the application, was finally convicted of a
13 felony or one of the following offenses:

14 (1) prostitution or solicitation of prostitution;

15 (2) a vagrancy offense involving moral turpitude;

16 (3) bookmaking;

17 (4) gambling or gaming;

18 (5) an offense involving controlled substances as
19 defined in the Texas Controlled Substances Act, including [~~an~~
20 ~~offense involving a synthetic cannabinoid, or~~] an offense involving
21 other dangerous drugs;

22 (6) a violation of this code resulting in the
23 cancellation of a license or permit, or a fine of not less than
24 \$500;

25 (7) more than three violations of this code relating
26 to minors;

27 (8) bootlegging; or

1 (9) an offense involving firearms or a deadly weapon.

2 SECTION 4. Section 104.01(a), Alcoholic Beverage Code, is
3 amended to read as follows:

4 (a) A person authorized to sell malt beverages at retail, or
5 the person's agent, servant, or employee, may not engage in or
6 permit conduct on the premises of the retailer which is lewd,
7 immoral, or offensive to public decency, including any of the
8 following acts:

9 (1) the use of loud and vociferous or obscene, vulgar,
10 or indecent language, or permitting its use;

11 (2) the exposure of a person or permitting a person to
12 expose himself or herself;

13 (3) rudely displaying or permitting a person to rudely
14 display a pistol or other deadly weapon in a manner calculated to
15 disturb persons in the retail establishment;

16 (4) solicitation of any person to buy drinks for
17 consumption by the retailer or any of the retailer's employees;

18 (5) being intoxicated on the licensed premises;

19 (6) permitting lewd or vulgar entertainment or acts;

20 (7) permitting solicitations of persons for immoral or
21 sexual purposes;

22 (8) failing or refusing to comply with state or
23 municipal health or sanitary laws or ordinances; or

24 (9) possession of a narcotic [~~or a synthetic~~
25 ~~cannabinoid~~] or any equipment used or designed for the
26 administering of a narcotic [~~or a synthetic cannabinoid~~] or
27 permitting a person on the licensed premises to do so.

1 SECTION 5. Article 14.06(d), Code of Criminal Procedure, is
2 amended to read as follows:

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

5 (1) [~~Section 481.121, Health and Safety Code, if the~~
6 ~~offense is punishable under Subsection (b)(1) or (2) of that~~
7 ~~section;~~

8 [~~(1-a) Section 481.1161, Health and Safety Code, if~~
9 ~~the offense is punishable under Subsection (b)(1) or (2) of that~~
10 ~~section;~~

11 [~~(2)~~] Section 28.03, Penal Code, if the offense is
12 punishable under Subsection (b)(2) of that section;

13 (2) [~~(3)~~] Section 28.08, Penal Code, if the offense is
14 punishable under Subsection (b)(2) or (3) of that section;

15 (3) [~~(4)~~] Section 31.03, Penal Code, if the offense is
16 punishable under Subsection (e)(2)(A) of that section;

17 (4) [~~(5)~~] Section 31.04, Penal Code, if the offense is
18 punishable under Subsection (e)(2) of that section;

19 (5) [~~(5-a)~~] Section 37.10, Penal Code, if the offense
20 is for tampering with a temporary tag issued under Chapter 502 or
21 503, Transportation Code;

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

24 (7) Section 521.457, Transportation Code.

25 SECTION 6. Article 15.27(h), Code of Criminal Procedure, is
26 amended to read as follows:

27 (h) This article applies to any felony offense and the

1 following misdemeanors:

2 (1) an offense under Section 20.02, 21.08, 22.01,
3 22.05, 22.07, or 71.02, Penal Code;

4 (2) the unlawful use, sale, or possession of a
5 controlled substance [~~drug paraphernalia, or marihuana~~], as
6 defined by Chapter 481, Health and Safety Code; or

7 (3) the unlawful possession of any of the weapons or
8 devices listed in Sections 46.01(1)-(14) or (16), Penal Code, or a
9 weapon listed as a prohibited weapon under Section 46.05, Penal
10 Code.

11 SECTION 7. Article 18.02(a), Code of Criminal Procedure, is
12 amended to read as follows:

13 (a) A search warrant may be issued to search for and seize:

14 (1) property acquired by theft or in any other manner
15 which makes its acquisition a penal offense;

16 (2) property specially designed, made, or adapted for
17 or commonly used in the commission of an offense;

18 (3) arms and munitions kept or prepared for the
19 purposes of insurrection or riot;

20 (4) weapons prohibited by the Penal Code;

21 (5) gambling devices or equipment, altered gambling
22 equipment, or gambling paraphernalia;

23 (6) obscene materials kept or prepared for commercial
24 distribution or exhibition, subject to the additional rules set
25 forth by law;

26 (7) a drug, controlled substance, immediate
27 precursor, chemical precursor, or other controlled substance

1 property, including an apparatus [~~or paraphernalia~~] kept,
2 prepared, or manufactured in violation of the laws of this state;

3 (8) any property the possession of which is prohibited
4 by law;

5 (9) implements or instruments used in the commission
6 of a crime;

7 (10) property or items, except the personal writings
8 by the accused, constituting evidence of an offense or constituting
9 evidence tending to show that a particular person committed an
10 offense;

11 (11) persons;

12 (12) contraband subject to forfeiture under Chapter 59
13 of this code;

14 (13) electronic customer data held in electronic
15 storage, including the contents of and records and other
16 information related to a wire communication or electronic
17 communication held in electronic storage; or

18 (14) a cellular telephone or other wireless
19 communications device, subject to Article 18.0215.

20 SECTION 8. Article 18A.101, Code of Criminal Procedure, is
21 amended to read as follows:

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

27 (1) a felony under any of the following provisions of

1 the Health and Safety Code:

2 (A) Chapter 481 [~~other than felony possession of~~
3 ~~marihuana~~];

4 (B) Chapter 483; or

5 (C) Section 485.032;

6 (2) an offense under any of the following provisions
7 of the Penal Code:

8 (A) Section 19.02;

9 (B) Section 19.03;

10 (C) Section 20.03;

11 (D) Section 20.04;

12 (E) Chapter 20A;

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

18 (G) Section 38.11;

19 (H) Section 43.04;

20 (I) Section 43.041;

21 (J) Section 43.05; or

22 (K) Section 43.26; or

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

25 SECTION 9. Article 42A.301(b), Code of Criminal Procedure,
26 is amended to read as follows:

27 (b) Conditions of community supervision may include

1 conditions requiring the defendant to:

2 (1) commit no offense against the laws of this state or
3 of any other state or of the United States;

4 (2) avoid injurious or vicious habits;

5 (3) report to the supervision officer as directed by
6 the judge or supervision officer and obey all rules and regulations
7 of the community supervision and corrections department;

8 (4) permit the supervision officer to visit the
9 defendant at the defendant's home or elsewhere;

10 (5) work faithfully at suitable employment to the
11 extent possible;

12 (6) remain within a specified place;

13 (7) pay in one or more amounts:

14 (A) the defendant's fine, if one is assessed; and

15 (B) all court costs, regardless of whether a fine
16 is assessed;

17 (8) support the defendant's dependents;

18 (9) participate, for a period specified by the judge,
19 in any community-based program, including a community service
20 project under Article [42A.304](#);

21 (10) if the judge determines that the defendant has
22 financial resources that enable the defendant to offset in part or
23 in whole the costs of the legal services provided to the defendant
24 in accordance with Article [1.051\(c\)](#) or (d), including any expenses
25 and costs, reimburse the county in which the prosecution was
26 instituted for the costs of the legal services in an amount that the
27 judge finds the defendant is able to pay, except that the defendant

1 may not be ordered to pay an amount that exceeds:

2 (A) the actual costs, including any expenses and
3 costs, paid by the county for the legal services provided by an
4 appointed attorney; or

5 (B) if the defendant was represented by a public
6 defender's office, the actual amount, including any expenses and
7 costs, that would have otherwise been paid to an appointed attorney
8 had the county not had a public defender's office;

9 (11) if under custodial supervision in a community
10 corrections facility:

11 (A) remain under that supervision;

12 (B) obey all rules and regulations of the
13 facility; and

14 (C) pay a percentage of the defendant's income to
15 the facility for room and board;

16 (12) submit to testing for alcohol or controlled
17 substances;

18 (13) attend counseling sessions for substance abusers
19 or participate in substance abuse treatment services in a program
20 or facility approved or licensed by the Department of State Health
21 Services;

22 (14) with the consent of the victim of a misdemeanor
23 offense or of any offense under Title 7, Penal Code, participate in
24 victim-defendant mediation;

25 (15) submit to electronic monitoring;

26 (16) reimburse the compensation to victims of crime
27 fund for any amounts paid from that fund to or on behalf of a victim,

1 as defined by Article 56B.003, of the offense or if no reimbursement
2 is required, make one payment to the compensation to victims of
3 crime fund in an amount not to exceed \$50 if the offense is a
4 misdemeanor or not to exceed \$100 if the offense is a felony;

5 (17) reimburse a law enforcement agency for the
6 analysis, storage, or disposal of raw materials, controlled
7 substances, chemical precursors, [~~drug paraphernalia~~] or other
8 materials seized in connection with the offense;

9 (18) reimburse all or part of the reasonable and
10 necessary costs incurred by the victim for psychological counseling
11 made necessary by the offense or for counseling and education
12 relating to acquired immune deficiency syndrome or human
13 immunodeficiency virus made necessary by the offense;

14 (19) pay a fine in an amount not to exceed \$50 to a
15 crime stoppers organization, as defined by Section 414.001,
16 Government Code, and as certified by the Texas Crime Stoppers
17 Council;

18 (20) submit a DNA sample to the Department of Public
19 Safety under Subchapter G, Chapter 411, Government Code, for the
20 purpose of creating a DNA record of the defendant; and

21 (21) in any manner required by the judge, provide in
22 the county in which the offense was committed public notice of the
23 offense for which the defendant was placed on community
24 supervision.

25 SECTION 10. Article 42A.514(a), Code of Criminal Procedure,
26 is amended to read as follows:

27 (a) If a judge grants community supervision to a defendant

1 younger than 18 years of age convicted of an alcohol-related
2 offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or
3 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or
4 an offense involving possession of a controlled substance [~~or~~
5 ~~marihuana~~] under Section 481.115, 481.1151, 481.116, [~~481.1161,~~
6 481.117, or 481.118, [~~or 481.121,~~] Health and Safety Code, the
7 judge may require the defendant as a condition of community
8 supervision to successfully complete, as appropriate:

9 (1) an alcohol awareness program under Section
10 106.115, Alcoholic Beverage Code, that is regulated by the Texas
11 Department of Licensing and Regulation under Chapter 171,
12 Government Code; or

13 (2) a substance misuse education program that is
14 designed to educate persons on the dangers of substance misuse in
15 accordance with Section 521.374(a)(1), Transportation Code, and
16 that is regulated by the Texas Department of Licensing and
17 Regulation under Chapter 171, Government Code.

18 SECTION 11. Articles 42A.551(a) and (c), Code of Criminal
19 Procedure, are amended to read as follows:

20 (a) Except as otherwise provided by Subsection (b) or (c),
21 on conviction of a state jail felony under Section 481.115(b),
22 481.1151(b)(1), 481.116(b), [~~481.1161(b)(3), 481.121(b)(3),~~] or
23 481.129(g)(1), Health and Safety Code, that is punished under
24 Section 12.35(a), Penal Code, the judge shall suspend the
25 imposition of the sentence and place the defendant on community
26 supervision.

27 (c) Subsection (a) does not apply to a defendant who[~~+~~

1 ~~[(1)]~~ under Section 481.1151(b)(1), Health and Safety
2 Code, possessed more than five abuse units of the controlled
3 substance[+]

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

7 ~~[(3) under Section 481.121(b)(3), Health and Safety~~
8 ~~Code, possessed more than one pound of marihuana].~~

9 SECTION 12. Article 42A.555(a), Code of Criminal Procedure,
10 is amended to read as follows:

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

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

16 (2) not less than 90 days or more than one year, if the
17 defendant is convicted of an offense punishable as a state jail
18 felony under Section 481.112, 481.1121, or 481.113, [~~or 481.120,~~]
19 Health and Safety Code.

20 SECTION 13. Section 37.005(c), Education Code, is amended
21 to read as follows:

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

27 (1) conduct that contains the elements of an offense

1 related to weapons under Section 46.02 or 46.05, Penal Code;

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

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

7 (A) [~~marihuana~~ or] a controlled substance, as
8 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
9 Section 801 et seq.;

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

12 (C) an alcoholic beverage, as defined by Section
13 1.04, Alcoholic Beverage Code.

14 SECTION 14. Section 37.006(a), Education Code, is amended
15 to read as follows:

16 (a) Subject to the requirements of Section 37.009(a), a
17 student shall be removed from class and placed in a disciplinary
18 alternative education program as provided by Section 37.008 if the
19 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; or

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

- 1 (A) engages in conduct punishable as a felony;
- 2 (B) engages in conduct that contains the elements
3 of the offense of assault under Section 22.01(a)(1), Penal Code;
- 4 (C) sells, gives, or delivers to another person
5 or possesses or uses or is under the influence of:
- 6 (i) a controlled substance, as defined by
7 Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et
8 seq., excluding marihuana, as defined by Section 481.002, Health
9 and Safety Code, or tetrahydrocannabinol, as defined by rule
10 adopted under Section 481.003 of that code; or
- 11 (ii) a dangerous drug, as defined by
12 Chapter 483, Health and Safety Code;
- 13 (C-1) ~~[possesses, uses, or is under the influence~~
14 ~~of, or sells, gives, or delivers to another person marihuana, as~~
15 ~~defined by Section 481.002, Health and Safety Code, or~~
16 ~~tetrahydrocannabinol, as defined by rule adopted under Section~~
17 ~~481.003 of that code,~~
- 18 [(C-2)] possesses, uses, sells, gives, or
19 delivers to another person an e-cigarette, as defined by Section
20 161.081, Health and Safety Code;
- 21 (D) sells, gives, or delivers to another person
22 an alcoholic beverage, as defined by Section 1.04, Alcoholic
23 Beverage Code, commits a serious act or offense while under the
24 influence of alcohol, or possesses, uses, or is under the influence
25 of an alcoholic beverage;
- 26 (E) engages in conduct that contains the elements
27 of an offense relating to an abusable volatile chemical under

1 Sections 485.031 through 485.034, Health and Safety Code;

2 (F) engages in conduct that contains the elements
3 of the offense of public lewdness under Section 21.07, Penal Code,
4 or indecent exposure under Section 21.08, Penal Code; or

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

8 SECTION 15. Section 37.007(b), Education Code, is amended
9 to read as follows:

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

11 (1) engages in conduct involving a public school that
12 contains the elements of the offense of false alarm or report under
13 Section 42.06, Penal Code, or terroristic threat under Section
14 22.07, Penal Code;

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

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

21 (i) ~~[marihuana or]~~ a controlled substance,
22 as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
23 Section 801 et seq., excluding marihuana, as defined by Section
24 481.002, Health and Safety Code, or tetrahydrocannabinol, as
25 defined by rule adopted under Section 481.003 of that code;

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

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

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

6 (C) engages in conduct that contains the elements
7 of an offense under Section 22.01(a)(1), Penal Code, against a
8 school district employee or a volunteer as defined by Section
9 22.053; or

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

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

15 (A) engages in conduct specified by Subsection
16 (a); or

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

19 (4) engages in conduct that contains the elements of
20 any offense listed in Subsection (a)(2)(A) or (C) or the offense of
21 aggravated robbery under Section 29.03, Penal Code, against another
22 student, without regard to whether the conduct occurs on or off of
23 school property or while attending a school-sponsored or
24 school-related activity on or off of school property; or

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

1 (A) the conduct involves accessing a computer,
2 computer network, or computer system owned by or operated on behalf
3 of a school district; and

4 (B) the student knowingly:

5 (i) alters, damages, or deletes school
6 district property or information; or

7 (ii) commits a breach of any other
8 computer, computer network, or computer system.

9 SECTION 16. Sections 37.009(a-1) and (a-2), Education Code,
10 are amended to read as follows:

11 (a-1) If a disciplinary alternative education program is at
12 capacity at the time a campus behavior coordinator is deciding
13 placement under Subsection (a) for a student who engaged in conduct
14 described under Section 37.006(a)(2)(C-1), [~~(C-2)~~] (D), or (E),
15 the student shall be:

16 (1) placed in in-school suspension; and

17 (2) if a position becomes available in the program
18 before the expiration of the period of the placement, transferred
19 to the program for the remainder of the period.

20 (a-2) If a disciplinary alternative education program is at
21 capacity at the time a campus behavior coordinator is deciding
22 placement under Subsection (a) for a student who engaged in conduct
23 described under Section 37.007 that constitutes violent conduct, as
24 defined by commissioner rule, a student who has been placed in the
25 program for conduct described under Section 37.006(a)(2)(C-1),
26 [~~(C-2)~~] (D), or (E):

27 (1) may be removed from the program and placed in

1 in-school suspension to make a position in the program available
2 for the student who engaged in violent conduct; and

3 (2) if removed from the program under Subdivision (1)
4 and a position in the program becomes available before the
5 expiration of the period of the placement, shall be returned to the
6 program for the remainder of the period.

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

9 (a) The principal of a public or private primary or
10 secondary school, or a person designated by the principal under
11 Subsection (d), shall notify any school district police department
12 and the police department of the municipality in which the school is
13 located or, if the school is not in a municipality, the sheriff of
14 the county in which the school is located if the principal has
15 reasonable grounds to believe that any of the following activities
16 occur in school, on school property, or at a school-sponsored or
17 school-related activity on or off school property, whether or not
18 the activity is investigated by school security officers:

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

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

22 (3) a terroristic threat under Section 22.07, Penal
23 Code;

24 (4) the use, sale, or possession of a controlled
25 substance [~~drug paraphernalia, or marijuana~~] under Chapter 481,
26 Health and Safety Code;

27 (5) the possession of any of the weapons or devices

1 listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal
2 Code;

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

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

8 SECTION 18. Section 37.016, Education Code, is amended to
9 read as follows:

10 Sec. 37.016. REPORT OF DRUG OFFENSES; LIABILITY. A
11 teacher, school administrator, or school employee is not liable in
12 civil damages for reporting to a school administrator or
13 governmental authority, in the exercise of professional judgment
14 within the scope of the teacher's, administrator's, or employee's
15 duties, a student whom the teacher suspects of using, passing, or
16 selling, on school property:

17 (1) [~~marjuana or~~] a controlled substance, as defined
18 by Chapter 481, Health and Safety Code;

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

21 (3) an abusable glue or aerosol paint, as defined by
22 Chapter 485, Health and Safety Code, or a volatile chemical, as
23 listed in Chapter 484, Health and Safety Code, if the substance is
24 used or sold for the purpose of inhaling its fumes or vapors; or

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

27 SECTION 19. Section 53.03(h-1), Family Code, is amended to

1 read as follows:

2 (h-1) If the child is alleged to have engaged in delinquent
3 conduct or conduct indicating a need for supervision that violates
4 Section [481.115](#), [481.1151](#), [481.116](#), [~~[481.1161](#)~~] [481.117](#), or
5 [481.118](#), [~~[481.121](#)~~] Health and Safety Code, deferred prosecution
6 under this section may include a condition that the child
7 successfully complete a substance misuse education program that is
8 designed to educate persons on the dangers of substance misuse in
9 accordance with Section [521.374\(a\)\(1\)](#), Transportation Code, and
10 that is regulated by the Texas Department of Licensing and
11 Regulation under Chapter [171](#), Government Code.

12 SECTION 20. Section [54.047\(a\)](#), Family Code, is amended to
13 read as follows:

14 (a) If the court or jury finds at an adjudication hearing
15 for a child that the child engaged in delinquent conduct or conduct
16 indicating a need for supervision that constitutes a violation of
17 Section [481.115](#), [481.1151](#), [481.116](#), [~~[481.1161](#)~~] [481.117](#), or
18 [481.118](#), [~~[481.121](#)~~] Health and Safety Code, the court may order
19 that the child successfully complete a substance misuse education
20 program that is designed to educate persons on the dangers of
21 substance misuse in accordance with Section [521.374\(a\)\(1\)](#),
22 Transportation Code, and that is regulated by the Texas Department
23 of Licensing and Regulation under Chapter [171](#), Government Code.

24 SECTION 21. Section [161.001\(c\)](#), Family Code, is amended to
25 read as follows:

26 (c) Evidence of one or more of the following does not
27 constitute clear and convincing evidence sufficient for a court to

1 make a finding under Subsection (b) and order termination of the
2 parent-child relationship:

3 (1) the parent homeschooled the child;

4 (2) the parent is economically disadvantaged;

5 (3) the parent has been charged with a nonviolent
6 misdemeanor offense other than:

7 (A) an offense under Title 5, Penal Code;

8 (B) an offense under Title 6, Penal Code; or

9 (C) an offense that involves family violence, as
10 defined by Section 71.004 of this code;

11 (4) the parent provided or administered marihuana or
12 ~~[low-THC]~~ cannabis to a child for whom marihuana or ~~[the low-THC]~~
13 cannabis was recommended or prescribed by a medical practitioner
14 for a medical condition ~~[under Chapter 169, Occupations Code];~~

15 (5) the parent declined immunization for the child for
16 reasons of conscience, including a religious belief;

17 (6) the parent sought an opinion from more than one
18 medical provider relating to the child's medical care, transferred
19 the child's medical care to a new medical provider, or transferred
20 the child to another health care facility; or

21 (7) the parent allowed the child to engage in
22 independent activities that are appropriate and typical for the
23 child's level of maturity, physical condition, developmental
24 abilities, or culture.

25 SECTION 22. Section 262.116(a), Family Code, is amended to
26 read as follows:

27 (a) The Department of Family and Protective Services may not

1 take possession of a child under this subchapter based on evidence
2 that the parent:

3 (1) homeschooled the child;

4 (2) is economically disadvantaged;

5 (3) has been charged with a nonviolent misdemeanor
6 offense other than:

7 (A) an offense under Title 5, Penal Code;

8 (B) an offense under Title 6, Penal Code; or

9 (C) an offense that involves family violence, as
10 defined by Section 71.004 of this code;

11 (4) provided or administered marihuana or [low-THC]
12 cannabis to a child for whom marihuana or [the low-THC] cannabis was
13 recommended or prescribed by a medical practitioner for a medical
14 condition [~~under Chapter 169, Occupations Code~~];

15 (5) declined immunization for the child for reasons of
16 conscience, including a religious belief;

17 (6) sought an opinion from more than one medical
18 provider relating to the child's medical care, transferred the
19 child's medical care to a new medical provider, or transferred the
20 child to another health care facility;

21 (7) allowed the child to engage in independent
22 activities that are appropriate and typical for the child's level
23 of maturity, physical condition, developmental abilities, or
24 culture; or

25 (8) tested positive for marihuana, unless the
26 department has evidence that the parent's use of marihuana has
27 caused significant impairment to the child's physical or mental

1 health or emotional development.

2 SECTION 23. Section 76.017(b), Government Code, is amended
3 to read as follows:

4 (b) The program must:

5 (1) include automatic screening and evaluation of a
6 person arrested for an offense, other than a Class C misdemeanor, in
7 which an element of the offense is the use or possession of alcohol
8 or the use, possession, or sale of a controlled substance [~~or~~
9 ~~marihuana~~];

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

15 (3) coordinate the evaluation and referral to
16 treatment services; and

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

20 SECTION 24. Section 123.002, Government Code, is amended to
21 read as follows:

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

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

27 (A) an offense in which an element of the offense

1 is the use or possession of alcohol or the use, possession, or sale
2 of a controlled substance or[7] a controlled substance analogue[7
3 ~~or marijuana~~]; or

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

8 (i) carrying, possessing, or using a
9 firearm or other dangerous weapon;

10 (ii) the use of force against the person of
11 another; or

12 (iii) the death of or serious bodily injury
13 to another;

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

16 (A) delinquent conduct, including habitual
17 felony conduct, or conduct indicating a need for supervision in
18 which an element of the conduct is the use or possession of alcohol
19 or the use, possession, or sale of a controlled substance or[7] a
20 controlled substance analogue[7 ~~or marijuana~~]; or

21 (B) delinquent conduct, including habitual
22 felony conduct, or conduct indicating a need for supervision in
23 which the use of alcohol or a controlled substance is suspected to
24 have significantly contributed to the commission of the conduct and
25 the conduct did not involve:

26 (i) carrying, possessing, or using a
27 firearm or other dangerous weapon;

1 (ii) the use of force against the person of
2 another; or

3 (iii) the death of or serious bodily injury
4 to another;

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

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

14 (5) programs for other persons not precisely described
15 by Subdivisions (1)-(4) who may benefit from a program that has the
16 essential characteristics described by Section 123.001.

17 SECTION 25. Section 411.0728(a), Government Code, is
18 amended to read as follows:

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

20 (1) who is convicted of or placed on deferred
21 adjudication community supervision for an offense under:

22 (A) [~~Section 481.120, Health and Safety Code, if~~
23 ~~the offense is punishable under Subsection (b)(1);~~

24 [~~(B) Section 481.121, Health and Safety Code, if~~
25 ~~the offense is punishable under Subsection (b)(1);~~

26 [~~(C)~~] Section 31.03, Penal Code, if the offense
27 is punishable under Subsection (e)(1) or (2); or

1 (B) [~~(D)~~] Section 43.02, Penal Code; and

2 (2) who, if requested by the applicable law
3 enforcement agency or prosecuting attorney to provide assistance in
4 the investigation or prosecution of an offense under Section
5 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense
6 containing elements that are substantially similar to the elements
7 of an offense under any of those sections:

8 (A) provided assistance in the investigation or
9 prosecution of the offense; or

10 (B) did not provide assistance in the
11 investigation or prosecution of the offense due to the person's age
12 or a physical or mental disability resulting from being a victim of
13 an offense described by this subdivision.

14 SECTION 26. Section 411.0891(a), Government Code, is
15 amended to read as follows:

16 (a) The department may obtain as provided by Subsection
17 (a-1) criminal history record information that relates to a person
18 who:

19 (1) is an applicant for or holds a registration issued
20 by the director under Subchapter C, Chapter 481, Health and Safety
21 Code, that authorizes the person to manufacture, distribute,
22 analyze, or conduct research with a controlled substance;

23 (2) ~~[is an applicant for or holds a registration~~
24 ~~issued by the department under Chapter 487, Health and Safety Code,~~
25 ~~to be a director, manager, or employee of a dispensing~~
26 ~~organization, as defined by Section 487.001, Health and Safety~~
27 ~~Code,~~

1 ~~(3)~~ is an applicant for or holds an authorization
2 issued by the department under Section 521.2476, Transportation
3 Code, to do business in this state as a vendor of ignition interlock
4 devices;

5 (3) ~~(4)~~ is an applicant for or holds certification
6 by the department as an inspection station or an inspector under
7 Subchapter G, Chapter 548, Transportation Code, holds an inspection
8 station or inspector certificate issued under that subchapter, or
9 is the owner of an inspection station operating under that chapter;

10 (4) ~~(5)~~ is an applicant for or holds a certificate of
11 registration issued by the department under Chapter 1956,
12 Occupations Code, to act as a metal recycling entity;

13 (5) ~~(6)~~ is an applicant for or holds a license to
14 carry a handgun issued by the department under Subchapter H, or is
15 an applicant for or holds a certification as an instructor issued by
16 the department under this chapter;

17 (6) ~~(7)~~ is an applicant for or holds a Capitol access
18 pass issued by the department under Section 411.0625; or

19 (7) ~~(8)~~ is an applicant for or holds a license or
20 commission issued by the department under Chapter 1702, Occupations
21 Code.

22 SECTION 27. Section 411.502, Government Code, is amended to
23 read as follows:

24 Sec. 411.502. APPLICABILITY. This subchapter applies to a
25 program, and persons regulated under the program, administered by
26 the department under the following laws, including rules adopted
27 under those laws:

- 1 (1) Section [411.0625](#);
- 2 (2) [~~Chapter 487, Health and Safety Code,~~
- 3 ~~(3)~~] Chapter [1702](#), Occupations Code;
- 4 (3) [~~(4)~~] Chapter [1956](#), Occupations Code;
- 5 (4) [~~(5)~~] Section [521.2476](#), Transportation Code; and
- 6 (5) [~~(6)~~] Subchapter [G](#), Chapter [548](#), Transportation
- 7 Code.

8 SECTION 28. Sections [481.002](#)(5), (6), (8), and (25), Health

9 and Safety Code, are amended to read as follows:

10 (5) "Controlled substance" means a substance,

11 including a drug, an adulterant, and a dilutant, listed in

12 Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, [~~2-A,~~] 3, or

13 4. The term includes the aggregate weight of any mixture,

14 solution, or other substance containing a controlled

15 substance. The term does not include hemp, as defined by Section

16 [121.001](#), Agriculture Code, or the tetrahydrocannabinols in hemp.

17 (6) "Controlled substance analogue" means:

18 (A) a substance with a chemical structure

19 substantially similar to the chemical structure of a controlled

20 substance in Schedule I or II or Penalty Group 1, 1-A, 1-B, or 2 [~~or~~

21 ~~2-A~~]; or

22 (B) a substance specifically designed to produce

23 an effect substantially similar to, or greater than, the effect of a

24 controlled substance in Schedule I or II or Penalty Group 1, 1-A,

25 1-B, or 2 [~~or 2-A~~].

26 (8) "Deliver" means to transfer, actually or

27 constructively, to another a controlled substance or [~~7~~]

1 counterfeit substance, [~~or drug paraphernalia,~~] regardless of
2 whether there is an agency relationship. The term includes
3 offering to sell a controlled substance or [~~7~~] counterfeit
4 substance [~~, or drug paraphernalia~~].

5 (25) "Manufacture" means the production, preparation,
6 propagation, compounding, conversion, or processing of a
7 controlled substance [~~other than marijuana,~~] directly or
8 indirectly by extraction from substances of natural origin,
9 independently by means of chemical synthesis, or by a combination
10 of extraction and chemical synthesis, and includes the packaging or
11 repackaging of the substance or labeling or relabeling of its
12 container. However, the term does not include the preparation,
13 compounding, packaging, or labeling of a controlled substance:

14 (A) by a practitioner as an incident to the
15 practitioner's administering or dispensing a controlled substance
16 in the course of professional practice; or

17 (B) by a practitioner, or by an authorized agent
18 under the supervision of the practitioner, for or as an incident to
19 research, teaching, or chemical analysis and not for delivery.

20 SECTION 29. Section [481.062](#), Health and Safety Code, is
21 amended to read as follows:

22 Sec. 481.062. EXEMPTIONS. [~~(a)~~] The following persons may
23 possess a controlled substance under this chapter without
24 registering with the Federal Drug Enforcement Administration:

25 (1) an agent or employee of a manufacturer,
26 distributor, analyzer, or dispenser of the controlled substance who
27 is registered with the Federal Drug Enforcement Administration and

1 acting in the usual course of business or employment;

2 (2) a common or contract carrier, a warehouseman, or
3 an employee of a carrier or warehouseman whose possession of the
4 controlled substance is in the usual course of business or
5 employment;

6 (3) an ultimate user or a person in possession of the
7 controlled substance under a lawful order of a practitioner or in
8 lawful possession of the controlled substance if it is listed in
9 Schedule V; or

10 (4) an officer or employee of this state, another
11 state, a political subdivision of this state or another state, or
12 the United States who is lawfully engaged in the enforcement of a
13 law relating to a controlled substance or drug or to a customs law
14 and authorized to possess the controlled substance in the discharge
15 of the person's official duties[+]

16 [~~(5) if the substance is tetrahydrocannabinol or one~~
17 ~~of its derivatives.~~

18 [~~(A) a Department of State Health Services~~
19 ~~official, a medical school researcher, or a research program~~
20 ~~participant possessing the substance as authorized under~~
21 ~~Subchapter C, or~~

22 [~~(B) a practitioner or an ultimate user~~
23 ~~possessing the substance as a participant in a federally approved~~
24 ~~therapeutic research program that the commissioner has reviewed and~~
25 ~~found, in writing, to contain a medically responsible research~~
26 ~~protocol, or~~

27 [~~(6) a dispensing organization licensed under Chapter~~

1 ~~487 that possesses low-THC cannabis]~~.

2 SECTION 30. Section 481.103(a), Health and Safety Code, is
3 amended to read as follows:

4 (a) Penalty Group 2 consists of:

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

10 5-(2-aminopropyl)benzofuran (5-APB);

11 6-(2-aminopropyl)benzofuran (6-APB);

12 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

13 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

14 5-(2-aminopropyl)indole (5-IT,5-API);

15 6-(2-aminopropyl)indole (6-IT,6-API);

16 1-(benzofuran-5-yl)-N-methylpropan-2-amine (5-MAPB);

17 1-(benzofuran-6-yl)-N-methylpropan-2-amine (6-MAPB);

18 Benzothiophenylcyclohexylpiperidine (BTCP);

19 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-

20 4-ethanamine (trade or other name: Bromo-DragonFLY);

21 Desoxypipradrol (2-benzhydrylpiperidine);

22 2, 5-dimethoxyamphetamine (some trade or other names: 2,

23 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);

24 Diphenylprolinol (diphenyl(pyrrolidin-2-yl) methanol,
25 D2PM);

26 Dronabinol (synthetic) in sesame oil and encapsulated in a
27 soft gelatin capsule in a U.S. Food and Drug Administration

1 approved drug product (some trade or other names for Dronabinol:
2 (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
3 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
4 (trans)- tetrahydrocannabinol);

5 Ethylamine Analog of Phencyclidine (some trade or other
6 names: N-ethyl-1-phenylcyclohexylamine, (1- phenylcyclohexyl)
7 ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine,
8 PCE);

9 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (trade or
10 other name: methoxetamine);

11 Ibogaine (some trade or other names: 7-Ethyl-6, 6, beta 7, 8,
12 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H- pyrido [1',
13 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);

14 5-iodo-2-aminoindane (5-IAI);

15 Mescaline;

16 5-methoxy-3, 4-methylenedioxy amphetamine;

17 4-methoxyamphetamine (some trade or other names:
18 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;
19 PMA);

20 4-methoxymethamphetamine (PMMA);

21 2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone (some
22 trade and other names: 2-MeO-ketamine; methoxyketamine);

23 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP, PPMP);

24 4-methyl-2, 5-dimethoxyamphetamine (some trade and other
25 names: 4-methyl-2, 5-dimethoxy-alpha- methylphenethylamine;
26 "DOM"; "STP");

27 3,4-methylenedioxy methamphetamine (MDMA, MDM);

- 1 3,4-methylenedioxy amphetamine;
- 2 3,4-methylenedioxy N-ethylamphetamine (Also known as N-ethyl
3 MDA);
- 4 5,6-methylenedioxy-2-aminoindane (MDAI);
- 5 Nabilone (Another name for nabilone: (+)-trans-
6 3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,
7 6-dimethyl-9H-dibenzo[b,d]pyran-9-one;
- 8 N-benzylpiperazine (some trade or other names: BZP;
9 1-benzylpiperazine);
- 10 N-ethyl-3-piperidyl benzilate;
- 11 N-hydroxy-3,4-methylenedioxyamphetamine (Also known as
12 N-hydroxy MDA);
- 13 4-methylaminorex;
- 14 N-methyl-3-piperidyl benzilate;
- 15 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,
16 8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;
17 Synhexyl);
- 18 1-Phenylcyclohexylamine;
- 19 1-Piperidinocyclohexanecarbonitrile (PCC);
- 20 Pyrrolidine Analog of Phencyclidine (some trade or other
21 names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
- 22 ~~[Tetrahydrocannabinols, other than marihuana, and synthetic~~
23 ~~equivalents of the substances contained in the plant, or in the~~
24 ~~resinous extractives of Cannabis, or synthetic substances,~~
25 ~~derivatives, and their isomers with similar chemical structure and~~
26 ~~pharmacological activity such as:~~
- 27 ~~[\delta-1-cis or trans tetrahydrocannabinol, and their~~

1 ~~optical isomers,~~

2 ~~[delta-6 cis or trans tetrahydrocannabinol, and their~~

3 ~~optical isomers,~~

4 ~~[delta-3, 4 cis or trans tetrahydrocannabinol, and its~~

5 ~~optical isomers, or~~

6 ~~[compounds of these structures, regardless of numerical~~

7 ~~designation of atomic positions, since nomenclature of these~~

8 ~~substances is not internationally standardized;]~~

9 Thiophene Analog of Phencyclidine (some trade or other names:
10 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of
11 Phencyclidine; TPCP, TCP);

12 1-pyrrolidine (some trade or other name: TCPy);

13 1-(3-trifluoromethylphenyl)piperazine (trade or other name:
14 TFMPP); and

15 3,4,5-trimethoxy amphetamine;

16 (2) Phenylacetone (some trade or other names:
17 Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl
18 ketone);

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

24 Aminorex (some trade or other names: aminoxaphen;
25 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-
26 phenyl-2-oxazolamine);

27 Amphetamine, its salts, optical isomers, and salts of optical

1 isomers;

2 Cathinone (some trade or other names: 2-amino-1-
3 phenyl-1-propanone, alpha-aminopropiophenone, 2-
4 aminopropiophenone);

5 Etaqualone and its salts;

6 Etorphine Hydrochloride;

7 Fenethylline and its salts;

8 Lisdexamfetamine, including its salts, isomers, and salts of
9 isomers;

10 Mecloqualone and its salts;

11 Methaqualone and its salts;

12 Methcathinone (some trade or other names: 2-
13 methylamino-propriophenone; alpha-(methylamino)propriophenone;
14 2-(methylamino)-1-phenylpropan-1-one; alpha-N-
15 methylaminopropriophenone; monomethylpropion; ephedrone, N-
16 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR
17 1431);

18 N-Ethylamphetamine, its salts, optical isomers, and salts of
19 optical isomers; and

20 N,N-dimethylamphetamine (some trade or other names:
21 N,N,alpha-trimethylbenzeneethanamine;
22 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,
23 and salts of optical isomers;

24 (4) any compound structurally derived from
25 2-aminopropanal by substitution at the 1-position with any
26 monocyclic or fused-polycyclic ring system, including:

27 (A) compounds further modified by:

1 (i) substitution in the ring system to any
2 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or
3 halide substituents), whether or not further substituted in the
4 ring system by other substituents;

5 (ii) substitution at the 3-position with an
6 alkyl substituent; or

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

10 (B) by example, compounds such as:

11 4-Methylmethcathinone (Also known as
12 Mephedrone);

13 3,4-Dimethylmethcathinone (Also known as
14 3,4-DMMC);

15 3-Fluoromethcathinone (Also known as 3-FMC);

16 4-Fluoromethcathinone (Also known as
17 Flephedrone);

18 3,4-Methylenedioxy-N-methylcathinone (Also
19 known as Methylone);

20 3,4-Methylenedioxypropylvalerone (Also known
21 as MDPV);

22 alpha-Pyrrolidinopentiophenone (Also known
23 as alpha-PVP);

24 Naphthylpropylvalerone (Also known as
25 Naphyrone);

26 alpha-Methylamino-valerophenone (Also known
27 as Pentedrone);

1 beta-Keto-N-methylbenzodioxolylpropylamine

2 (Also known as Butylone);

3 beta-Keto-N-methylbenzodioxolylpentanamine

4 (Also known as Pentylone);

5 beta-Keto-Ethylbenzodioxolylbutanamine

6 (Also known as Eutylone); and

7 3,4-methylenedioxy-N-ethylcathinone (Also
8 known as Ethylone);

9 (5) any compound structurally derived from tryptamine
10 (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

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

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

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

19 (iii) by substitution in the 6-membered
20 ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl,
21 alkylenedioxy, or halide substituents; or

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

24 (B) including:

25 (i) ethers and esters of the controlled
26 substances listed in this subdivision; and

27 (ii) by example, compounds such as:

1 alpha-ethyltryptamine;
2 alpha-methyltryptamine;
3 Bufotenine (some trade and other names:
4 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;
5 3-(2-dimethylaminoethyl)- 5- indolol; N, N-dimethylserotonin;
6 5-hydroxy-N, N- dimethyltryptamine; mappine);
7 Diethyltryptamine (some trade and other
8 names: N, N-Diethyltryptamine, DET);
9 Dimethyltryptamine (trade or other name:
10 DMT);
11 5-methoxy-N, N-diisopropyltryptamine
12 (5-MeO-DiPT);
13 O-Acetylpsilocin (Trade or other name:
14 4-Aco-DMT);
15 Psilocin; and
16 Psilocybin;
17 (6) 2,5-Dimethoxyphenethylamine and any compound
18 structurally derived from 2,5-Dimethoxyphenethylamine by
19 substitution at the 4-position of the phenyl ring to any extent
20 (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide
21 substituents), including, by example, compounds such as:
22 4-Bromo-2,5-dimethoxyphenethylamine (trade or other name:
23 2C-B);
24 4-Chloro-2,5-dimethoxyphenethylamine (trade or other name:
25 2C-C);
26 2,5-Dimethoxy-4-methylphenethylamine (trade or other name:
27 2C-D);

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

1 DOET);
2 4-Iodo-2,5-dimethoxyamphetamine (trade or other name: DOI);
3 2,5-Dimethoxy-4-methylamphetamine (trade or other name:
4 DOM);
5 2,5-Dimethoxy-4-nitroamphetamine (trade or other name: DON);
6 4-Isopropyl-2,5-dimethoxyamphetamine (trade or other name:
7 DOIP); and
8 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or other name:
9 DOPR).

10 SECTION 31. Section 481.106, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE
13 ANALOGUE. For the purposes of the prosecution of an offense under
14 this subchapter involving the manufacture, delivery, or possession
15 of a controlled substance, Penalty Groups 1, 1-A, 1-B, and 2 [~~and~~
16 ~~2-A~~] include a controlled substance analogue that:

17 (1) has a chemical structure substantially similar to
18 the chemical structure of a controlled substance listed in the
19 applicable penalty group; or

20 (2) is specifically designed to produce an effect
21 substantially similar to, or greater than, a controlled substance
22 listed in the applicable penalty group.

23 SECTION 32. The heading to Section 481.113, Health and
24 Safety Code, is amended to read as follows:

25 Sec. 481.113. OFFENSE: MANUFACTURE OR DELIVERY OF
26 SUBSTANCE IN PENALTY GROUP 2 [~~OR 2-A~~].

27 SECTION 33. Section 481.113(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) Except as authorized by this chapter, a person commits
3 an offense if the person knowingly manufactures, delivers, or
4 possesses with intent to deliver a controlled substance listed in
5 Penalty Group 2 [~~or 2-A~~].

6 SECTION 34. Section 481.115(h), Health and Safety Code, is
7 amended to read as follows:

8 (h) The defense to prosecution provided by Subsection (g) is
9 not available if:

10 (1) at the time the request for emergency medical
11 assistance was made:

12 (A) a peace officer was in the process of
13 arresting the actor or executing a search warrant describing the
14 actor or the place from which the request for medical assistance was
15 made; or

16 (B) the actor is committing another offense,
17 other than an offense punishable under Section 481.1151(b)(1),
18 481.116(b), [~~481.1161(b)(1) or (2)~~], 481.117(b), or 481.118(b),
19 [~~or 481.121(b)(1) or (2)~~] or an offense under Section 481.119(b),
20 [~~481.125(a)~~], 483.041(a), or 485.031(a);

21 (2) the actor has been previously convicted of or
22 placed on deferred adjudication community supervision for an
23 offense under this chapter or Chapter 483 or 485;

24 (3) the actor was acquitted in a previous proceeding
25 in which the actor successfully established the defense under that
26 subsection or Section 481.1151(c), 481.116(f), [~~481.1161(c)~~],
27 481.117(f), 481.118(f), 481.119(c), [~~481.121(c), 481.125(g)~~]

1 483.041(e), or 485.031(c); or

2 (4) at any time during the 18-month period preceding
3 the date of the commission of the instant offense, the actor
4 requested emergency medical assistance in response to the possible
5 overdose of the actor or another person.

6 SECTION 35. Section 481.1151(d), Health and Safety Code, is
7 amended to read as follows:

8 (d) The defense to prosecution provided by Subsection (c) is
9 not available if:

10 (1) at the time the request for emergency medical
11 assistance was made:

12 (A) a peace officer was in the process of
13 arresting the actor or executing a search warrant describing the
14 actor or the place from which the request for medical assistance was
15 made; or

16 (B) the actor is committing another offense,
17 other than an offense punishable under Section 481.115(b),
18 481.116(b), [~~481.1161(b)(1) or (2)~~], 481.117(b), or 481.118(b),
19 [~~or 481.121(b)(1) or (2)~~] or an offense under Section 481.119(b),
20 [~~481.125(a)~~], 483.041(a), or 485.031(a);

21 (2) the actor has been previously convicted of or
22 placed on deferred adjudication community supervision for an
23 offense under this chapter or Chapter 483 or 485;

24 (3) the actor was acquitted in a previous proceeding
25 in which the actor successfully established the defense under that
26 subsection or Section 481.115(g), 481.116(f), [~~481.1161(c)~~],
27 481.117(f), 481.118(f), 481.119(c), [~~481.121(c), 481.125(g)~~]

1 483.041(e), or 485.031(c); or

2 (4) at any time during the 18-month period preceding
3 the date of the commission of the instant offense, the actor
4 requested emergency medical assistance in response to the possible
5 overdose of the actor or another person.

6 SECTION 36. Section 481.116(g), Health and Safety Code, is
7 amended to read as follows:

8 (g) The defense to prosecution provided by Subsection (f) is
9 not available if:

10 (1) at the time the request for emergency medical
11 assistance was made:

12 (A) a peace officer was in the process of
13 arresting the actor or executing a search warrant describing the
14 actor or the place from which the request for medical assistance was
15 made; or

16 (B) the actor is committing another offense,
17 other than an offense punishable under Section 481.115(b),
18 481.1151(b)(1), [~~481.1161(b)(1) or (2)~~], 481.117(b), or
19 481.118(b), [~~or 481.121(b)(1) or (2)~~] or an offense under Section
20 481.119(b), [~~481.125(a)~~] 483.041(a), or 485.031(a);

21 (2) the actor has been previously convicted of or
22 placed on deferred adjudication community supervision for an
23 offense under this chapter or Chapter 483 or 485;

24 (3) the actor was acquitted in a previous proceeding
25 in which the actor successfully established the defense under that
26 subsection or Section 481.115(g), 481.1151(c), [~~481.1161(c)~~],
27 481.117(f), 481.118(f), 481.119(c), [~~481.121(c), 481.125(g)~~]

1 483.041(e), or 485.031(c); or

2 (4) at any time during the 18-month period preceding
3 the date of the commission of the instant offense, the actor
4 requested emergency medical assistance in response to the possible
5 overdose of the actor or another person.

6 SECTION 37. Section 481.117(g), Health and Safety Code, is
7 amended to read as follows:

8 (g) The defense to prosecution provided by Subsection (f) is
9 not available if:

10 (1) at the time the request for emergency medical
11 assistance was made:

12 (A) a peace officer was in the process of
13 arresting the actor or executing a search warrant describing the
14 actor or the place from which the request for medical assistance was
15 made; or

16 (B) the actor is committing another offense,
17 other than an offense punishable under Section 481.115(b),
18 481.1151(b)(1), 481.116(b), or [~~481.1161(b)(1) or (2)~~],
19 481.118(b), [~~or 481.121(b)(1) or (2)~~] or an offense under Section
20 481.119(b), [~~481.125(a)~~] 483.041(a), or 485.031(a);

21 (2) the actor has been previously convicted of or
22 placed on deferred adjudication community supervision for an
23 offense under this chapter or Chapter 483 or 485;

24 (3) the actor was acquitted in a previous proceeding
25 in which the actor successfully established the defense under that
26 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
27 [~~481.1161(c)~~], 481.118(f), 481.119(c), [~~481.121(c), 481.125(g)~~]

1 483.041(e), or 485.031(c); or

2 (4) at any time during the 18-month period preceding
3 the date of the commission of the instant offense, the actor
4 requested emergency medical assistance in response to the possible
5 overdose of the actor or another person.

6 SECTION 38. Section 481.118(g), Health and Safety Code, is
7 amended to read as follows:

8 (g) The defense to prosecution provided by Subsection (f) is
9 not available if:

10 (1) at the time the request for emergency medical
11 assistance was made:

12 (A) a peace officer was in the process of
13 arresting the actor or executing a search warrant describing the
14 actor or the place from which the request for medical assistance was
15 made; or

16 (B) the actor is committing another offense,
17 other than an offense punishable under Section 481.115(b),
18 481.1151(b)(1), 481.116(b), or [~~481.1161(b)(1) or (2)~~],
19 481.117(b), [~~or 481.121(b)(1) or (2)~~] or an offense under Section
20 481.119(b), [~~481.125(a)~~] 483.041(a), or 485.031(a);

21 (2) the actor has been previously convicted of or
22 placed on deferred adjudication community supervision for an
23 offense under this chapter or Chapter 483 or 485;

24 (3) the actor was acquitted in a previous proceeding
25 in which the actor successfully established the defense under that
26 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
27 [~~481.1161(c)~~], 481.117(f), 481.119(c), [~~481.121(c), 481.125(g)~~]

1 483.041(e), or 485.031(c); or

2 (4) at any time during the 18-month period preceding
3 the date of the commission of the instant offense, the actor
4 requested emergency medical assistance in response to the possible
5 overdose of the actor or another person.

6 SECTION 39. Section 481.119(d), Health and Safety Code, is
7 amended to read as follows:

8 (d) The defense to prosecution provided by Subsection (c) is
9 not available if:

10 (1) at the time the request for emergency medical
11 assistance was made:

12 (A) a peace officer was in the process of
13 arresting the actor or executing a search warrant describing the
14 actor or the place from which the request for medical assistance was
15 made; or

16 (B) the actor is committing another offense,
17 other than an offense punishable under Section 481.115(b),
18 481.1151(b)(1), 481.116(b), [~~481.1161(b)(1) or (2)~~], 481.117(b),
19 or 481.118(b), [~~or 481.121(b)(1) or (2)~~] or an offense under
20 Section [~~481.125(a)~~] 483.041(a) [~~]~~ or 485.031(a);

21 (2) the actor has been previously convicted of or
22 placed on deferred adjudication community supervision for an
23 offense under this chapter or Chapter 483 or 485;

24 (3) the actor was acquitted in a previous proceeding
25 in which the actor successfully established the defense under that
26 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
27 [~~481.1161(c)~~], 481.117(f), 481.118(f), [~~481.121(c), 481.125(g)~~]

1 483.041(e), or 485.031(c); or

2 (4) at any time during the 18-month period preceding
3 the date of the commission of the instant offense, the actor
4 requested emergency medical assistance in response to the possible
5 overdose of the actor or another person.

6 SECTION 40. The heading to Section 481.122, Health and
7 Safety Code, is amended to read as follows:

8 Sec. 481.122. OFFENSE: DELIVERY OF CONTROLLED SUBSTANCE [~~OR~~
9 ~~MARIHUANA~~] TO CHILD.

10 SECTION 41. Sections 481.122(a) and (b), Health and Safety
11 Code, are amended to read as follows:

12 (a) A person commits an offense if the person knowingly
13 delivers a controlled substance listed in Penalty Group 1, 1-A,
14 1-B, 2, or 3 [~~or knowingly delivers marihuana~~] and the person
15 delivers the controlled substance [~~or marihuana~~] to a person:

16 (1) who is a child;

17 (2) who is enrolled in a public or private primary or
18 secondary school; or

19 (3) who the actor knows or believes intends to deliver
20 the controlled substance [~~or marihuana~~] to a person described by
21 Subdivision (1) or (2).

22 (b) It is an affirmative defense to prosecution under this
23 section that[+]

24 [~~(1)~~] the actor was a child when the offense was
25 committed[~~, or~~

26 [~~(2) the actor:~~

27 [~~(A) was younger than 21 years of age when the~~

1 ~~offense was committed,~~

2 ~~[(B) delivered only marihuana in an amount equal~~
3 ~~to or less than one-fourth ounce; and~~

4 ~~[(C) did not receive remuneration for the~~
5 ~~delivery].~~

6 SECTION 42. Section 481.126, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 481.126. OFFENSE: ILLEGAL BARTER, EXPENDITURE, OR
9 INVESTMENT. (a) A person commits an offense if the person:

10 (1) barter property or expends funds the person knows
11 are derived from the commission of a first degree felony offense
12 under this chapter punishable by imprisonment in the Texas
13 Department of Criminal Justice for life; or

14 (2) ~~[barter property or expends funds the person~~
15 ~~knows are derived from the commission of an offense under Section~~
16 ~~481.121(a) that is punishable under Section 481.121(b)(5),~~

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

21 ~~[(4) barter property or finances or invests funds the~~
22 ~~person knows or believes are intended to further the commission of~~
23 ~~an offense under Section 481.121(a) that is punishable under~~
24 ~~Section 481.121(b)(5)].~~

25 (b) An offense under this section ~~[Subsection (a)(1) or (3)]~~
26 is a felony of the first degree. ~~[An offense under Subsection~~
27 ~~(a)(2) or (4) is a felony of the second degree.]~~

1 SECTION 43. Section 481.133(c), Health and Safety Code, is
2 amended to read as follows:

3 (c) In this section, "drug test" means a lawfully
4 administered test designed to detect the presence of a controlled
5 substance [~~or marijuana~~].

6 SECTION 44. Sections 481.134(b), (c), (d), (e), and (f),
7 Health and Safety Code, are amended to read as follows:

8 (b) An offense otherwise punishable as a state jail felony
9 under Section 481.112, 481.1121, 481.1123, 481.113, or 481.114 [~~or~~
10 ~~481.120~~] is punishable as a felony of the third degree, an offense
11 otherwise punishable as a felony of the third degree under any of
12 those sections is punishable as a felony of the second degree, and
13 an offense otherwise punishable as a felony of the second degree
14 under any of those sections is punishable as a felony of the first
15 degree, if it is shown at the punishment phase of the trial of the
16 offense that the offense was committed:

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

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

22 (3) by any unauthorized person 18 years of age or
23 older, in, on, or within 1,000 feet of premises owned, rented, or
24 leased by a general residential operation operating as a
25 residential treatment center.

26 (c) The minimum term of confinement or imprisonment for an
27 offense otherwise punishable under Section 481.112(c), (d), (e), or

1 (f), 481.1121(b)(2), (3), or (4), 481.1123(b), (c), (d), (e), or
2 (f), 481.113(c), (d), or (e), 481.114(c), (d), or (e),
3 481.115(c)-(f), 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d),
4 or (e), [~~481.1161(b)(4), (5), or (6),~~] 481.117(c), (d), or (e), or
5 481.118(c), (d), or (e) [~~, 481.120(b)(4), (5), or (6), or~~
6 ~~481.121(b)(4), (5), or (6)] is increased by five years and the
7 maximum fine for the offense is doubled if it is shown on the trial
8 of the offense that the offense was committed:~~

9 (1) in, on, or within 1,000 feet of the premises of a
10 school, the premises of a public or private youth center, or a
11 playground;

12 (2) on a school bus; or

13 (3) by any unauthorized person 18 years of age or
14 older, in, on, or within 1,000 feet of premises owned, rented, or
15 leased by a general residential operation operating as a
16 residential treatment center.

17 (d) An offense otherwise punishable under Section
18 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), 481.115(b),
19 481.1151(b)(1), or 481.116(b) [~~, 481.1161(b)(3), 481.120(b)(3), or~~
20 ~~481.121(b)(3)] is a felony of the third degree if it is shown on the
21 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;

25 (2) on a school bus; or

26 (3) by any unauthorized person 18 years of age or
27 older, in, on, or within 1,000 feet of premises owned, rented, or

1 leased by a general residential operation operating as a
2 residential treatment center.

3 (e) An offense otherwise punishable under Section
4 481.117(b) or [7] 481.119(a) [~~481.120(b)(2), or 481.121(b)(2)~~] is
5 a state jail felony if it is shown on the trial of the offense that
6 the offense was committed:

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

10 (2) on a school bus; or

11 (3) by any unauthorized person 18 years of age or
12 older, in, on, or within 1,000 feet of premises owned, rented, or
13 leased by a general residential operation operating as a
14 residential treatment center.

15 (f) An offense otherwise punishable under Section
16 481.118(b) or [7] 481.119(b) [~~481.120(b)(1), or 481.121(b)(1)~~] is
17 a Class A misdemeanor if it is shown on the trial of the offense that
18 the offense was committed:

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

22 (2) on a school bus; or

23 (3) by any unauthorized person 18 years of age or
24 older, in, on, or within 1,000 feet of premises owned, rented, or
25 leased by a general residential operation operating as a
26 residential treatment center.

27 SECTION 45. Section 481.140(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) If it is shown at the punishment phase of the trial of an
3 offense otherwise punishable as a state jail felony, felony of the
4 third degree, or felony of the second degree under Section 481.112,
5 481.1121, 481.1123, 481.113, 481.114, [~~481.120,~~] or 481.122 that
6 the defendant used or attempted to use a child younger than 18 years
7 of age to commit or assist in the commission of the offense, the
8 punishment is increased by one degree, unless the defendant used or
9 threatened to use force against the child or another to gain the
10 child's assistance, in which event the punishment for the offense
11 is a felony of the first degree.

12 SECTION 46. Section 481.151(1), Health and Safety Code, is
13 amended to read as follows:

14 (1) "Controlled substance property" means a
15 controlled substance, mixture containing a controlled substance,
16 controlled substance analogue, counterfeit controlled substance,
17 [~~drug paraphernalia,~~] chemical precursor, chemical laboratory
18 apparatus, or raw material.

19 SECTION 47. Section 483.041(f), Health and Safety Code, is
20 amended to read as follows:

21 (f) The defense to prosecution provided by Subsection (e) is
22 not available if:

23 (1) at the time the request for emergency medical
24 assistance was made:

25 (A) a peace officer was in the process of
26 arresting the actor or executing a search warrant describing the
27 actor or the place from which the request for medical assistance was

1 made; or

2 (B) the actor is committing another offense,
3 other than an offense punishable under Section 481.115(b),
4 481.1151(b)(1), 481.116(b), [~~481.1161(b)(1) or (2)~~], 481.117(b),
5 or 481.118(b), [~~or 481.121(b)(1) or (2)~~], or an offense under
6 Section 481.119(b) [~~481.125(a)~~] or 485.031(a);

7 (2) the actor has been previously convicted of or
8 placed on deferred adjudication community supervision for an
9 offense under this chapter or Chapter 481 or 485;

10 (3) the actor was acquitted in a previous proceeding
11 in which the actor successfully established the defense under that
12 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
13 [~~481.1161(c)~~], 481.117(f), 481.118(f), 481.119(c), [~~481.121(c)~~],
14 [~~481.125(g)~~] or 485.031(c); or

15 (4) at any time during the 18-month period preceding
16 the date of the commission of the instant offense, the actor
17 requested emergency medical assistance in response to the possible
18 overdose of the actor or another person.

19 SECTION 48. Section 485.031(d), Health and Safety Code, is
20 amended to read as follows:

21 (d) The defense to prosecution provided by Subsection (c) is
22 not available if:

23 (1) at the time the request for emergency medical
24 assistance was made:

25 (A) a peace officer was in the process of
26 arresting the actor or executing a search warrant describing the
27 actor or the place from which the request for medical assistance was

1 made; or

2 (B) the actor is committing another offense,
3 other than an offense punishable under Section 481.115(b),
4 481.1151(b)(1), 481.116(b), [~~481.1161(b)(1) or (2)~~], 481.117(b),
5 or 481.118(b), [~~or 481.121(b)(1) or (2)~~], or an offense under
6 Section 481.119(b) [~~481.125(a)~~] or 483.041(a);

7 (2) the actor has been previously convicted of or
8 placed on deferred adjudication community supervision for an
9 offense under this chapter or Chapter 481 or 483;

10 (3) the actor was acquitted in a previous proceeding
11 in which the actor successfully established the defense under that
12 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
13 [~~481.1161(c)~~], 481.117(f), 481.118(f), 481.119(c), [~~481.121(c)~~,
14 ~~481.125(g)~~] or 483.041(e); or

15 (4) at any time during the 18-month period preceding
16 the date of the commission of the instant offense, the actor
17 requested emergency medical assistance in response to the possible
18 overdose of the actor or another person.

19 SECTION 49. Section 490.001(3), Health and Safety Code, is
20 amended to read as follows:

21 (3) "Investigational drug, biological product, or
22 device" means a drug, biological product, or device that has
23 successfully completed phase one of a clinical trial but the United
24 States Food and Drug Administration or its international equivalent
25 has not yet approved for general use and that remains under
26 investigation in the clinical trial. [~~The term does not include~~
27 ~~low-THC cannabis, as defined by Section 169.001, Occupations Code,~~

1 ~~or a product containing marihuana, as defined by Section 481.002,~~
2 ~~regardless of whether the cannabis or product successfully~~
3 ~~completed phase one of a clinical trial.]~~

4 SECTION 50. Section 31.0031(d), Human Resources Code, is
5 amended to read as follows:

6 (d) The responsibility agreement shall require that:

7 (1) the parent of a dependent child cooperate with the
8 commission and the Title IV-D agency if necessary to establish the
9 paternity of the dependent child and to establish or enforce child
10 support;

11 (2) if adequate and accessible providers of the
12 services are available in the geographic area and subject to the
13 availability of funds, each dependent child, as appropriate,
14 complete early and periodic screening, diagnosis, and treatment
15 checkups on schedule and receive the immunization series prescribed
16 by Section 161.004, Health and Safety Code, unless the child is
17 exempt under that section;

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

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

26 (A) continuing the person's education or
27 becoming literate;

1 (B) entering a job placement or employment skills
2 training program;

3 (C) serving as a volunteer in the person's
4 community; or

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

7 (5) each caretaker relative or parent receiving
8 assistance not use, sell, or possess [~~marihuana or~~] a controlled
9 substance in violation of Chapter 481, Health and Safety Code, or
10 abuse alcohol;

11 (6) each dependent child younger than 18 years of age
12 or teen parent younger than 19 years of age attend school regularly,
13 unless the child has a high school diploma or high school
14 equivalency certificate or is specifically exempted from school
15 attendance under Section 25.086, Education Code;

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

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

20 SECTION 51. Section 1355.006, Insurance Code, is amended to
21 read as follows:

22 Sec. 1355.006. COVERAGE FOR CERTAIN CONDITIONS RELATED TO
23 CONTROLLED SUBSTANCE [~~OR MARIHUANA~~] NOT REQUIRED. (a) In this
24 section, "controlled substance" has [~~and "marihuana" have~~] the
25 meaning [~~meanings~~] assigned by Section 481.002, Health and Safety
26 Code.

27 (b) This subchapter does not require a group health benefit

1 plan to provide coverage for the treatment of:

2 (1) addiction to a controlled substance [~~or marijuana~~]
3 that is used in violation of law; or

4 (2) mental illness that results from the use of a
5 controlled substance [~~or marijuana~~] in violation of law.

6 SECTION 52. Section 551.004(a), Occupations Code, is
7 amended to read as follows:

8 (a) This subtitle does not apply to:

9 (1) a practitioner licensed by the appropriate state
10 board who supplies a patient of the practitioner with a drug in a
11 manner authorized by state or federal law and who does not operate a
12 pharmacy for the retailing of prescription drugs;

13 (2) a member of the faculty of a college of pharmacy
14 recognized by the board who is a pharmacist and who performs the
15 pharmacist's services only for the benefit of the college;

16 (3) a person who procures prescription drugs for
17 lawful research, teaching, or testing and not for resale; or

18 (4) a home and community support services agency that
19 possesses a dangerous drug as authorized by Section 142.0061,
20 142.0062, or 142.0063, Health and Safety Code [~~, or~~

21 [~~(5) a dispensing organization, as defined by Section~~
22 ~~487.001, Health and Safety Code, that cultivates, processes, and~~
23 ~~dispenses low-THC cannabis, as authorized by Chapter 487, Health~~
24 ~~and Safety Code, to a patient listed in the compassionate-use~~
25 ~~registry established under that chapter].~~

26 SECTION 53. Section 71.023(a), Penal Code, is amended to
27 read as follows:

1 (a) A person commits an offense if the person, as part of the
2 identifiable leadership of a criminal street gang or foreign
3 terrorist organization, knowingly finances, directs, or supervises
4 the commission of, or a conspiracy to commit, one or more of the
5 following offenses by members of a criminal street gang or foreign
6 terrorist organization:

7 (1) a felony offense that is listed in Article
8 [42A.054\(a\)](#), Code of Criminal Procedure;

9 (2) a felony offense for which it is shown that a
10 deadly weapon, as defined by Section [1.07](#), was used or exhibited
11 during the commission of the offense or during immediate flight
12 from the commission of the offense; or

13 (3) an offense that is punishable under Section
14 [481.112\(e\)](#) or (f), [481.1121\(b\)\(4\)](#), [481.1123\(d\)](#), (e), or (f), or
15 [481.115\(f\)](#), [~~or [481.120\(b\)\(6\)](#),~~] Health and Safety Code.

16 SECTION 54. The changes in law made by this Act apply only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 55. This Act takes effect September 1, 2025.