

By: Bucy

H.B. No. 1797

A BILL TO BE ENTITLED

AN ACT

relating to drug testing and prescription drug policies for employees and independent contractors of state agencies and political subdivisions regarding the medical use of low-THC cannabis and hemp.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 621 to read as follows:

CHAPTER 621. DRUG TESTING AND PRESCRIPTION DRUG POLICIES

Sec. 621.001. DEFINITIONS. In this chapter:

(1) "Drug test" means a technical analysis of an individual's biological specimen to determine the presence or absence of specified drugs or metabolites.

(2) "Hemp" has the meaning assigned by Section 121.001, Agriculture Code.

(3) "Low-THC cannabis" has the meaning assigned by Section 169.001, Occupations Code.

(4) "Peace officer" means a person elected, employed, or appointed as a peace officer under Article 2A.001, Code of Criminal Procedure.

Sec. 621.002. EXCEPTIONS. This chapter does not apply to:

(1) a peace officer who is elected, employed, or appointed by a state agency or a political subdivision of this state; or

1           (2) an employee of a state agency or a political  
2 subdivision of this state who is required to comply with United  
3 States Department of Transportation drug testing regulations in  
4 accordance with 49 C.F.R. Part 40.

5           Sec. 621.003. PROHIBITED DRUG TESTING AND PRESCRIPTION DRUG  
6 POLICIES. A state agency or a political subdivision of this state  
7 may not:

8           (1) establish a drug testing policy that requires an  
9 employee or independent contractor of the agency or political  
10 subdivision as a condition of employment or contract to submit to a  
11 drug test to screen for the presence of cannabinoids;

12           (2) as a condition of employment or contract with the  
13 agency or political subdivision, administer or require the  
14 administration of a drug test to the employee or contractor to  
15 screen for the presence of cannabinoids;

16           (3) establish for the employee or contractor as a  
17 condition of employment or contract a negative test result for the  
18 presence of cannabinoids; or

19           (4) prohibit an employee or contractor as a condition  
20 of employment or contract from:

21           (A) prescribing or obtaining a prescription for  
22 low-THC cannabis or using low-THC cannabis in accordance with  
23 Chapter 169, Occupations Code; or

24           (B) using a consumable hemp product.

25           Sec. 621.004. MEDICAL PRIVACY. A state agency or a  
26 political subdivision of this state may not question an employee  
27 about the employee's use of low-THC cannabis or hemp and shall

1 comply with all relevant state and federal privacy laws, including  
2 Chapter 181, Health and Safety Code, the Health Insurance  
3 Portability and Accountability Act of 1996 (Pub. L. No. 104-191),  
4 and regulations adopted under that Act.

5 Sec. 621.005. RELIEF AVAILABLE. (a) A person may assert an  
6 actual or threatened violation of Section 621.003 or 621.004 as a  
7 claim or defense in a judicial or administrative proceeding and  
8 obtain:

9 (1) compensatory damages;

10 (2) injunctive relief;

11 (3) declaratory relief; and

12 (4) other appropriate relief, including reasonable  
13 attorney's fees.

14 (b) Notwithstanding any other law, a person may commence an  
15 action under this section and relief may be granted regardless of  
16 whether the person sought or exhausted available administrative  
17 remedies.

18 Sec. 621.006. IMMUNITY WAIVED. A person who alleges a  
19 violation of Section 621.003 or 621.004 may sue the state agency or  
20 political subdivision for the relief provided under Section  
21 621.005. Sovereign or governmental immunity, as applicable, is  
22 waived and abolished to the extent of liability for that relief.

23 SECTION 2. Chapter 621, Government Code, as added by this  
24 Act, applies only to the administration of a drug testing or  
25 prescription drug policy or of a drug test on or after the effective  
26 date of this Act.

27 SECTION 3. This Act takes effect September 1, 2025.