

[2019 Session] Reduce the Penalty for Low-Level Marijuana Possession to a Class C Misdemeanor or Civil Penalty

Policy Background

Currently in Texas, possession of up to two ounces of marijuana is a Class B misdemeanor, punishable by up to six months in jail and a \$2,000 fine. In 2017, nearly 65,000 people in Texas were arrested for marijuana possession, accounting for the great majority of all drug arrests.¹ Each of these people must be arrested and booked into jail by law enforcement – diverting police attention from serious offenses and wasting resources on the punishment of otherwise law-abiding, productive people. Polls show that a majority of Texas' registered voters endorse legalizing marijuana.²

Proposed Solution

Reduce the penalty for low-level marijuana possession from a Class B misdemeanor to a Class C, fine-only misdemeanor, or make low-level marijuana possession a civil violation, eliminating criminal penalties altogether for small amounts while still holding people accountable through a fine.

Relevant Bills

- **Bill Number:** [HB 63](#) [Moody, Collier, White, Dutton, Phelan]
Bill Caption: Relating to the criminal and licensing consequences of certain marihuana possession and drug paraphernalia possession offenses; imposing a fee.
TCJE Materials: [Bill Overview](#)
House Hearing Notice: [Criminal Jurisprudence, March 4, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Criminal Jurisprudence, 3/4/19](#)
- **Bill Number:** [HB 335](#) [Dutton, Reynolds, Senfronia Thompson]
Bill Caption: Relating to the criminal penalties for possession of two grams or less of marihuana.

House Hearing Notice: [Criminal Jurisprudence, April 1, 2019](#)

House Hearing Video: [Criminal Jurisprudence, 4/1/19](#)

- **Bill Number:** [HB 371](#) [Allen]

Bill Caption: Relating to the prosecution of and penalties for possession of one ounce or less of marihuana.

House Hearing Notice: [Criminal Jurisprudence, April 1, 2019](#)

TCJE House Action: [Testimony in support](#)

House Hearing Video: [Criminal Jurisprudence, 4/1/19](#)

- **Bill Number:** [HB 753](#) [Wu, Collier, Moody, White]

Bill Caption: Relating to the prosecution of and penalties for possession of 0.35 ounces or less of marihuana.

House Hearing Notice: [Criminal Jurisprudence, April 1, 2019](#)

House Hearing Video: [Criminal Jurisprudence, 4/1/19](#)

- **Bill Number:** [HB 1206](#) [Cole, Allen, Thierry, Rodriguez, Guillen]

Bill Caption: Relating to the prosecution of and penalties for possession of marihuana.

House Hearing Notice: [Criminal Jurisprudence, April 1, 2019](#)

TCJE House Action: [Card in support](#)

House Hearing Video: [Criminal Jurisprudence, 4/1/19](#)

- **Bill Number:** [HB 2518](#) [Toth, Moody, Canales, Miller, Dutton]

Bill Caption: Relating to the possession of two ounces or less of marihuana.

House Hearing Notice: [Criminal Jurisprudence, April 1, 2019](#)

TCJE House Action: [Card in support](#)

House Hearing Video: [Criminal Jurisprudence, 4/1/19](#)

- **Bill Number:** [SB 156](#) [Rodríguez]

Bill Caption: Relating to the civil and criminal penalties for possession of certain small amounts of marihuana and an exception to prosecution for possession of associated drug paraphernalia; creating a criminal offense.

- **Bill Number:** [SB 460](#) [Johnson]

Bill Caption: Relating to reducing criminal penalties for possession of marihuana.

- **Bill Number:** [SB 1479](#) [Johnson]

Bill Caption: Relating to the prosecution of, criminal penalties for, and other consequences of possession of one ounce or less of marihuana.

Other Bills and Resolutions Related to Marijuana and Cannabis

- **Bill Number:** [HB 122](#) [Gina Hinojosa, Julie Johnson]
Bill Caption: Relating to the medical use of marihuana; providing an affirmative defense to prosecution for possession of marihuana.
House Hearing Notice: [Public Health, Subcommittee on Medical Marijuana, April 11, 2019](#)
House Hearing Video: [Public Health – S/C on Medical Marijuana, 4/11/19](#)
- **Bill Number:** [HB 209](#) [Reynolds, Beckley, Meza]
Bill Caption: Relating to authorizing the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by qualifying patients with certain debilitating medical conditions and the licensing of dispensing organizations and testing facilities; authorizing fees.
House Hearing Notice: [Public Health, Subcommittee on Medical Marijuana, April 11, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Public Health – S/C on Medical Marijuana, 4/11/19](#)
- **Bill Number:** [HB 1187](#) [Pacheco, Guillen]
Bill Caption: Relating to prescribing low-THC cannabis to certain patients for compassionate use.
- **Bill Number:** [HB 1338](#) [Pacheco, Guillen]
Bill Caption: Relating to prescribing low-THC cannabis to certain patients for compassionate use.
- **Bill Number:** [HB 1365](#) [Lucio III, Zerwas, Senfronia Thompson, Anchia, Larson]
Bill Caption: Relating to authorizing the possession, use, cultivation, processing, distribution, transportation, research, testing, and delivery of low-THC cannabis for medical use by patients with certain debilitating medical conditions and the licensing of cannabis dispensing organizations, cannabis research organizations, and cannabis testing facilities; establishing the cannabis therapeutic research review board; authorizing fees.
House Hearing Notice: [Public Health, Subcommittee on Medical Marijuana, April 11, 2019](#)
House Hearing Video: [Public Health – S/C on Medical Marijuana, 4/11/19](#)
- **Bill Number:** [HB 1405](#) [Thierry, Moody]
Bill Caption: Relating to the prescription of low-THC cannabis by certain qualified physicians for certain patients diagnosed with a terminal illness.
House Hearing Notice: [Public Health, Subcommittee on Medical Marijuana,](#)

April 11, 2019

House Hearing Video: [Public Health – S/C on Medical Marijuana, 4/11/19](#)

- **Bill Number:** [HB 2563](#) [Lucio III]

Bill Caption: Relating to the establishment and duties of the Texas Medical Cannabis Council.

- **Bill Number:** [HB 3703](#) [Klick, Zerwas, Oliverson, Sheffield, Coleman | Sponsor: Campbell]

Bill Caption: Relating to the prescription of low-THC cannabis for medical use by certain qualified physicians to patients with certain medical conditions.

House Hearing Notice: [Public Health, Subcommittee on Medical Marijuana, April 11, 2019](#)

House Hearing Video: [Public Health – S/C on Medical Marijuana, 4/11/19](#)

Senate Hearing Notice: [Health & Human Services, May 17, 2019](#)

Senate Hearing Video: [Health & Human Services, 5/17/19](#)

- **Bill Number:** [HB 4045](#) [Dominguez]

Bill Caption: Relating to authorizing the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients with certain eligible medical conditions and the licensing of dispensing organizations; changing a fee.

House Hearing Notice: [Public Health, Subcommittee on Medical Marijuana, April 11, 2019](#)

House Hearing Video: [Public Health – S/C on Medical Marijuana, 4/11/19](#)

- **Bill Number:** [SB 90](#) [Menéndez]

Bill Caption: Relating to authorizing the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by qualifying patients with certain debilitating medical conditions and the licensing of dispensing organizations and testing facilities; authorizing fees.

- **Bill Number:** [SB 400](#) [West]

Bill Caption: Relating to authorizing the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients with certain debilitating medical conditions and terminal illnesses and the licensing of dispensing organizations and cannabis testing facilities; authorizing a fee.

- **Bill Number:** [SB 865](#) [Watson]

Bill Caption: Relating to authorizing the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by

patients with certain qualifying medical conditions and the licensing of medical cannabis dispensing organizations; authorizing fees.

- **Resolution Number:** [HJR 21](#) [Reynolds, Beckley, Cole]
Resolution Caption: Proposing a constitutional amendment to authorize and regulate the possession, cultivation, and sale of cannabis for medical use.
House Hearing Notice: [Public Health, Subcommittee on Medical Marijuana, April 11, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Public Health – S/C on Medical Marijuana, 4/11/19](#)
- **Resolution Number:** [HJR 108](#) [Canales]
Resolution Caption: Proposing a constitutional amendment to authorize and regulate the possession, cultivation, and sale of cannabis.
House Hearing Notice: [Criminal Jurisprudence, April 1, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Criminal Jurisprudence, 4/1/19](#)
- **Resolution Number:** [SJR 7](#) [Rodríguez]
Resolution Caption: Proposing a constitutional amendment to authorize and regulate the possession, cultivation, and sale of cannabis for medical use.
- **Resolution Number:** [SJR 8](#) [Rodríguez]
Resolution Caption: Proposing a constitutional amendment to authorize and regulate the possession, cultivation, and sale of cannabis.

¹ Texas Department of Public Safety, [The Texas Crime Report for 2017 – Chapter 9: Texas Arrest Data](#).

² Ross Ramsey, “Led by Democrats and young adults, most Texas voters want to legalize marijuana, UT/TT Poll finds,” [Texas Tribune](#), June 27, 2018.