

A BILL TO BE ENTITLED
AN ACT

relating to the growth or cultivation of industrial hemp for certain research purposes.

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

SECTION 1. Chapter 12, Agriculture Code, is amended by adding Section 12.050 to read as follows:

Sec. 12.050. INDUSTRIAL HEMP RESEARCH. (a) In this section:

(1) "Industrial hemp" means the plant Cannabis sativa L. and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

(2) "Institution of higher education" has the meaning assigned by 20 U.S.C. Section 1001.

(b) The department or an institution of higher education may grow or cultivate industrial hemp as provided by 7 U.S.C. Section 5940.

(c) A person does not violate Section 481.120, 481.121, or 481.125, Health and Safety Code, if the person grows, cultivates, manufactures, delivers, or possesses industrial hemp, or manufactures, delivers, or possesses paraphernalia used for the cultivation or processing of industrial hemp, as part of research allowed under Subsection (b) and the person is:

(1) the department or an institution of higher education participating in research allowed under Subsection (b);
or

(2) an employee, student, or other person affiliated with the department or an institution of higher education participating in research allowed under Subsection (b).

SECTION 2. Section 481.062(a), Health and Safety Code, is amended to read as follows:

(a) The following persons are not required to register and may possess a controlled substance under this chapter:

(1) an agent or employee of a registered manufacturer, distributor, analyzer, or dispenser of the controlled substance acting in the usual course of business or employment;

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

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

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

(5) if the substance is tetrahydrocannabinol or one of its derivatives:

(A) a Texas Department of Health official, a medical school researcher, or a research program participant

possessing the substance as authorized under Subchapter G; or
(B) a practitioner or an ultimate user possessing the substance as a participant in a federally approved therapeutic research program that the commissioner has reviewed and found, in writing, to contain a medically responsible research protocol; or
(6) if the substance is industrial hemp, as defined by Section 12.050, Agriculture Code, the Department of Agriculture or an institution of higher education participating in research allowed under Section 12.050, Agriculture Code, or an employee, student, or other person affiliated with the Department of Agriculture or the institution of higher education participating in that research.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.