

12/20/93

From nic.umass.edu!news.mtholyoke.edu!world!uunet!illuminati.io.com!indiall.io.com!llwyd  
Tue Dec 21 12:35:44 1993  
Path: nic.umass.edu!news.mtholyoke.edu!world!uunet!illuminati.io.com!indiall.io.com!llwyd  
-> From: llwyd@indiall.io.com (fred)  
Newsgroups: alt.hemp  
Subject: Texas Cannabis Control Act #2  
Date: 20 Dec 1993 23:01:49 GMT  
Organization: Illuminati Online  
Lines: 187  
Message-ID: <2f5ast\$hl@illuminati.io.com>  
NNTP-Posting-Host: indiall.io.com  
X-Newsreader: TIN [version 1.2 PL1]

This is the second draft of a legislative proposal, which is based on the Oregon proposal that was posted months ago. Most of the Oregon proposal has been deleted, what is left has been reworded. It will definitely require more revision and editing to make it suitable for submission to Texas lawmakers, which will hopefully happen before the next session. The format is obtained from "The Drafting of Legislative Documents" by Waggoner Carr, Atty. Gen. of Texas 1967. A more recent style guide may exist, but I couldn't find it in the Tarlton Law Library at UT-Austin (neither could the librarian).

The arguments in favor of legalization, which were in the Oregon proposal, have been deleted, with the intention of including them in a cover letter which will accompany the proposed bill. The toughest part might be finding a Senator or Representative who will actually read the thing, and not just heave it into the trashcan.

---

S. B. No. \_\_\_\_\_ By \_\_\_\_\_

H. B. No. \_\_\_\_\_ By \_\_\_\_\_

A BILL

TO BE ENTITLED

AN ACT providing for the cultivation of and commerce in cannabis.

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

Section 1. The purpose of this act is to provide for the licensed cultivation, processing and sale of cannabis.

Section 2. SHORT TITLE. This Act may be cited as the Cannabis Control Act.

Section 3. DEFINITIONS. As used in this act:

(1) "Abuse" means repetitive or excessive drug use such that the individual fails to fulfill a statutory or common law duty, including but not limited to the duties owed by parents to children, by motorists to pedestrians and other motorists, and by employees to employers, fellow employees, and the public.

(2) "Cannabis" means the flowering tops and all parts, derivatives, or preparations of the cannabis plant, also known as "marijuana", containing

cannabinols in concentrations established by the Commission to be psychoactive, but does not include those parts and preparations of the cannabis plant which are defined as not being marijuana by Texas Health and Safety Code 481.002 (26) (A)-(E).

(3) "Commission" means the Texas Alcoholic Beverage Commission.

(4) "Cultivation" means growing the cannabis plant.

(5) "Hemp" means the resin, resin preparations, mature stalks, oil or cake made from seeds, sterilized seeds, and all other parts and preparations of the cannabis plant as defined by Texas Health and Safety Code 481.002 (26) (A)-(E), and all other parts, products, and by-products of the cannabis plant not containing cannabinoids in concentrations established by the commission to be psychoactive.

(6) "Qualified applicant" means a resident of the State of Texas who is at least 21 years of age and who has no convictions of any provisions of this Act or of any felony.

Section 4. POct, and shall make such rules and regulations as will discourage and minimize the diversion of cannabis to illicit sale or use within the state, the illicit importation and sale of cannabis cultivated or processed outside the state, and the illicit export or removal of cannabis from the state.

The Commission's jurisdiction shall extend to any person licensed under this Act to cultivate, process, or sell cannabis, but shall not extend to any person who manufactures products from hemp.

(2) The Commission shall issue to any qualified applicant a license to cultivate cannabis for sale only to licensed processors of cannabis, and only after approval at a public hearing held by a licensing board to be established by the Commission.

The license shall specify the areas, plots, and extent of lands to be cultivated. The Commission shall equitably apportion the purchase of cannabis among licensees and, unless applications fail to meet expected demand, shall not purchase from any one licensee more than one. The Commission shall allow sale of cannabis through state licensed retail stores and shall set the retail price of cannabis to minimize incentives to purchase cannabis elsewhere and to discourage the purchase of cannabis for resale or for removal to other states.

#### Section 8. DISPOSITION OF LICENSE FEES.

The Commission shall collect license fees which shall be calculated and continually appropriated to defray the Commission's costs of

- (1) issuing, regulating, and auditing licenses;
- (2) regulating the processing, testing, grading, shipping, and storing of cannabis, and providing cannabis at cost as provided for in this Act.

#### Section 9. COMMISSION TO DETERMINE POTENCY, SET STANDARDS, AND REGULATE PURITY AND POTENCY. In consultation with

the Pharmacy Division of the Department of Health, the Commission shall

- (1) determine cannabinol concentrations which produce intoxication and shall establish reasonable concentrations of cannabinols deemed

psychoactive under this Act.

(2) set stalled Substances Tax, Texas Tax Code

159.001 et seq. and have in their possession all documents and tax stamps specified.

Section 14. PENALTY. A person who violates Section 11, 12, or 13 of this Act is guilty of a felony and upon conviction is punishable by a fine of not more than \$1000 and imprisonment of not more than one year.

Section 15. SEVERABILITY CLAUSE. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 16. EFFECTIVE DATE. This Act takes effect on ....