



CANNABIS

PENALTIES

IN TEXAS

CONTENTS

pg.4 LAWS IN TEXAS

A brief history of Texas laws regarding, and some additional info you can use.

pg.5 POSSESSION (FLOWER)

Penalties for simple possession of marijuana flower.

pg.6 SALE (FLOWER)

Penalties for sale of marijuana flower.

pg.7-8 CONCENTRATES

Penalties for possession, sale, or manufacture of a THC concentrate.

pg.9 PARAPHANALIA

Penalties for possession or sale of paraphanalialia.



CONTENTS

pg.10 CBD & HEMP

Penalties regarding possession, sale & manufacture of CBD and hemp.

pg.11 HOW TX DRUG LAW CHANGES

Texas drug law cannot be changed by petition. Learn how it works.

pg.12 WHAT YOU CAN DO

How you can help change Texas.

pg.13 IF YOU'RE ARRESTED

What to do if the worst happens.

pg.15 ADDITIONAL INFO

Links and additional resources.



CANNABIS LAWS IN TEXAS

(TECHNICALLY, THEY SPELL IT MARIHUANA IN THE STATUTES)

Texas drug penalties depend primarily on three factors: amount of the substance in your possession, what the substance is, and whether you're near minors. Beyond that, there are separate penalties for possession versus sale or manufacture. Even falsifying a drug test is a crime in Texas.

In Texas, smaller crimes are classified as class A, B, C misdemeanors. Class B misdemeanors are punishable with a fine of up to \$2,000, jail for up to 180 days, or both. State jail felonies are classified by degree. They range from 3rd to 1st, with the 1st-degree felony being the most serious charge.

In Texas, drug penalties are separated into different penalty groups depending on the type of drug in question by the Texas Controlled Substances Act. The penalty groups include 1, 1-A, 2, 3, and 4.

Marijuana is classified as a group 2 substance. In Texas, anyone caught with high-THC marijuana faces potential jail and/or a fine.

Depending on the amount of marijuana and type you're caught with, you could be facing life imprisonment over simple possession. Texas has some of the harshest penalties for marijuana, and highest arrest rates. We are arresting MORE in recent years, as other states are legalizing.

POSSESSION (FLOWER)

Possession of 2 ounces or less of marijuana is a Class B misdemeanor, punishable by up to 180 days imprisonment and a fine not to exceed \$2,000.

Possession of between 2 and 4 ounces of marijuana is a Class A misdemeanor, punishable by imprisonment of up to 1 year and a fine not to exceed \$4,000.

Possession of between 4 ounces and 5 lbs. of marijuana is a state jail felony, punishable by a mandatory minimum sentence of 180 days imprisonment, a maximum of 2 years imprisonment, and a fine not to exceed \$10,000.

Possession of between 5 lbs. and 50 lbs. of marijuana is a Third Degree felony, punishable by a mandatory minimum sentence of no less than 2 years imprisonment, a maximum sentence of 10 years imprisonment, and a fine not to exceed \$10,000.

Possession of between 50 lbs. and 2,000 lbs of marijuana is a Second Degree felony, punishable by a mandatory minimum sentence of 2 years imprisonment, a maximum sentence of 20 years imprisonment, and a fine not to exceed \$10,000.



Possession of more than 2,000 lbs. of marijuana is a Felony, punishable by a mandatory minimum sentence of 5 years, a maximum sentence of 99 years, and a fine of no more than \$50,000.

See:

Texas Statutes Sec. 481.121

Texas Statutes Sec. 12.33

Texas Statutes Sec. 12.34

Texas Statutes Sec. 12.35

Texas Statutes Sec. 12.21

Texas Statutes Sec. 12.22

SALE (FLOWER)



The sale or delivery of 7 grams of marijuana or less, for no remuneration, is a Class B misdemeanor, punishable by up to 180 days imprisonment and a fine not to exceed \$2,000.

The sale or delivery of 7 grams of marijuana or less, for remuneration is a Class A misdemeanor, punishable by imprisonment of up to 1 year and a fine not to exceed \$4,000.

The sale or delivery of between 7 grams and 5 lbs. is a state jail felony, punishable by a mandatory minimum sentence of 180 days imprisonment, a maximum of 2 years imprisonment, and a fine not to exceed \$10,000.

The sale or delivery of between 5 lbs. and 50 lbs. of marijuana is a Second Degree felony, punishable by a mandatory minimum sentence of 2 years imprisonment, a maximum sentence of 20 years imprisonment, and a fine not to exceed \$10,000.

The sale or delivery of between 50 lbs. and 2,000 lbs. of marijuana is a First Degree felony, punishable by a mandatory minimum sentence of 5 years imprisonment, a maximum sentence of life imprisonment, and a fine not to exceed \$10,000.

The sale or delivery of more than 2,000 lbs. of marijuana is a felony, punishable by a mandatory minimum sentence of 10 years in prison, a maximum sentence of life imprisonment, and a fine not to exceed \$100,000.

Selling marijuana to a child is a Second Degree felony, punishable by a mandatory minimum sentence of 2 years imprisonment, a maximum sentence of 20 years imprisonment, and a fine not to exceed \$10,000.

See:

Texas Statutes Sec.A481.120

Texas Statutes Sec.A481.122

Texas Statutes Sec. 12.32

Texas Statutes Sec. 12.33

Texas Statutes Sec. 12.35

Texas Statutes Sec. 12.21

Texas Statutes Sec. 12.22

CONCENTRATES

ANY AMOUNT OF A CANNABIS CONCENTRATE IS A FELONY.

Possession of hashish or concentrates is a crime in Texas. If hashish or concentrates is less than one gram, the offense is considered a state jail felony punishable by term of imprisonment no less than 180 days and no greater than 2 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is more than 1 gram but less than 4 grams, the offense is considered a felony of the third degree punishable by a term of imprisonment no less than 2 years and no greater than 10 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is greater than 4 grams but less than 400 grams, the offense is considered a felony in the second degree punishable by a term of imprisonment no less than 2 years and no greater than 20 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is more than 400 grams, the offense is punishable by lifetime imprisonment or a term of imprisonment no less than 10 years and no greater 99 years and a fine no greater than \$50,000.

Manufacturing, delivering, or possessing with intent to deliver hashish or concentrates is a crime. If the amount of hashish or concentrates is less than 1 gram, the offense is considered a state jail felony punishable by a term of imprisonment no less than 180 days and no greater than 2 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is more than 1 gram but less than four grams, the offense is considered a felony of the second degree punishable by a term of imprisonment no less than 2 years and no greater than 20 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is more than 4 grams but less than 400 grams, the offense is considered a felony of the first degree punishable by a term of imprisonment no less than 5 years and no greater than 99 years and a fine no greater than \$10,000.

If the amount of hashish or concentrates is greater than 400 grams, the offense is punishable by lifetime imprisonment or a term of imprisonment no less than 10 years and no greater than 99 years and a fine no greater than \$100,000.

CONCENTRATES (CONT.)

Delivering hashish or concentrates to a person under 18 years of age or a person enrolled in primary or secondary school is felony of the second degree punishable by a term of imprisonment no less than 2 years and no greater than 20 years and a fine no greater than \$10,000. This is only applicable if the offender is older than 18 years of age.

Any device used for the purpose of creating hashish or concentrates is considered drug paraphernalia. Possession of any such device is a Class C Misdemeanor punishable by a fine no greater than \$500. Manufacturing, delivering, or possessing with intent to deliver any such device is a Class A Misdemeanor punishable by a term of imprisonment no greater than 1 year and/or a fine no greater than \$4,000.

If any of the previously listed offenses occurred within 1,000 feet of a school, youth center or playground, or within 300 feet of a public swimming pool or video arcade, the degree of the offense is increased by one level; i.e. if the offense was a felony of the third degree it is now a felony of the second degree and if the offense was a felony of the second degree it is now a felony of the first degree, etc.

If the perpetrator of any of the previously listed offenses was found to have involved a person under the age of 18,



the degree of the offense is increased one level; i.e. if the offense was a felony in the third degree it is now a felony of the second degree, and if the offense was a felony of the second degree it is now a felony of the first degree, etc.

See:

Texas Statutes Sec. 481.002

Texas Statutes Sec. 481.113

Texas Statutes Sec. 481.116

Texas Statutes Sec. 481.122

Texas Statutes Sec. 481.125

Texas Statutes Sec. 481.140

Texas Statutes Sec. 12.35

Texas Statutes Sec. 12.34

Texas Statutes Sec. 12.33

Texas Statutes Sec. 12.32

Texas Statutes Sec. 12.23

Texas Statutes Sec. 12.21

PARAPHANALIA

Marijuana paraphernalia is the most common drug-related item found by law enforcement. This can include any items used for growing, harvesting, transporting, packaging, storing, selling, or using marijuana.

Possession of paraphernalia is a Class C misdemeanor, punishable by a fine not to exceed \$500.

EXAMPLES OF PARAPHANALIA:

- Rolling papers
- Pipes (plastic, wood, ivory, or glass)
- Water pipes
- Alligator clips
- Lighter
- Scales used to weigh drugs
- Plastic bags or other items used to package drugs into individual units for sale

Selling, or possessing with intent to sell or deliver, paraphernalia is a Class A misdemeanor, punishable by imprisonment of up to 1 year and a fine not to exceed \$4,000, unless the offender has previously been convicted of this offense, in which case the offense is a felony, punishable by a mandatory minimum sentence of 90 days imprisonment and a maximum sentence of 1 year imprisonment.



Selling paraphernalia to a minor is a state jail felony, punishable by a mandatory minimum sentence of 180 days imprisonment, a maximum of 2 years imprisonment, and a fine not to exceed \$10,000.

See:

Texas Statutes Sec. 481.125

Texas Statutes Sec. 12.35

Texas Statutes Sec. 12.21

Texas Statutes Sec. 12.23

CBD & HEMP

The new Farm Bill requires retail stores planning to sell CBD products to register with the state's health department. Texas stores may sell hemp products such as CBD oil if they contain less than .3% of THC.

CBD oils of less than .3% THC are legal.

The postal service has said last year's farm bill allows hemp oils and other products to be shipped throughout the country from Texas.

As of Fall 2019, a person transporting hemp in the state of Texas must possess a hemp certificate from the state. Failure to have the certificate is a criminal offense. Possession of a forged certificate is a felony.

The state has yet to issue any such certificates.

The law on CBD and hemp in Texas is a shifting set of rules as the state gets its policies in order and these new regulations are tested in the legal system.



WHAT YOU CAN DO

JOIN TOGETHER. SPEAK TRUTH. BE HEARD.

Texas drug law must be changed at the state legislative level. All major parties in Texas politics support a shift to better policy regarding cannabis use. Unfortunately, some politicians have personal beliefs that conflict with both the science behind this plant, as well as the will of Texas voters.

To make the changes we need, we must be together on this issue. Our representatives at the Capitol must understand that Texans demand action on this issue. We do this by telling them - on the phone, in letters, and by changing our local attitudes surrounding cannabis use.

If you want to learn how to speak to those in power, join us. Our lobby days and activist trainings can help you get your passion into a testimony that will change Texas.

If you want to see your local law enforcement attitudes and budgets shifted to align with the values of your community regarding responsible use of cannabis, join us. We are working to educate Texans on how they can make their government represent them on this issue.

Texas NORML is the organization at the Capitol, speaking to the legislators on this issue. Our voice is stronger when you are with us. The difference between last session and next is you, your friends and family, and everyone you can talk to about this vital issue.

Join us, and share with your friends.
texasnorml.org/join

WHAT TO DO IF YOU'RE ARRESTED

KNOW YOUR RIGHTS. (ONE OF THEM IS SILENCE.)

YOUR RIGHTS

You have the right to remain silent. For example, you do not have to answer any questions about where you are going, where you are traveling from, what you are doing, or where you live. If you wish to exercise your right to remain silent, say so out loud. You do not have to consent to a search of yourself or your belongings, but police may pat down your clothing if they suspect a weapon. Note that refusing consent may not stop the officer from carrying out the search against your will, but making a timely objection before or during the search can help preserve your rights in any later legal proceeding.

If you are arrested by police, you have the right to a government-appointed lawyer if you cannot afford one. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country. (Separate rules apply at international borders and airports) Both car drivers and passengers have the right to remain silent. If you're a passenger, you can ask if you're free to leave. If yes, you may silently leave.

IF YOU ARE ARRESTED

Say you wish to remain silent and ask for a lawyer immediately. Don't give any explanations or excuses. Don't say anything, sign anything, or make any decisions without a lawyer. If you have been arrested by police, you have the right to make a local phone call. The police cannot listen if you call a lawyer. They can and often will listen to a call made to anyone else.

IF YOU BELIEVE YOUR RIGHTS WERE VIOLATED

Write down everything you remember, including officers' badges and patrol car numbers, which agency the officers were from, and any other details. Get contact information for witnesses. If you're injured, seek medical attention immediately and take photographs of your injuries. File a written complaint with the agency's internal affairs division or civilian complaint board.

ADDITIONAL INFO

RESOURCES FOR FURTHER READING

<https://www.aclu.org/know-your-rights/stopped-by-police/>

<https://www.texasnorml.org/activism/>

<https://www.texasnorml.org/activism/marijuana-laws-and-penalties-in-texas/>

<https://www.texasagriculture.gov/RegulatoryPrograms/Hemp.aspx>

<https://www.tlsc.org/>

<https://guides.sll.texas.gov/cannabis/cbd>

