



TEXANS FOR RESPONSIBLE  
MARIJUANA POLICY





# TEXANS FOR RESPONSIBLE MARIJUANA POLICY



Coalition of Texans  
with Disabilities



Progress ★ Texas  
The Voice for a New Majority



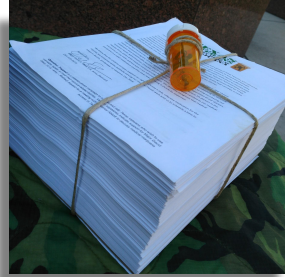
DPFT

The Drug Policy Forum of Texas





# Grassroots Action!



# Grassroots Action

Educational Exhibits

Legislative Briefings

Citizen Lobbying

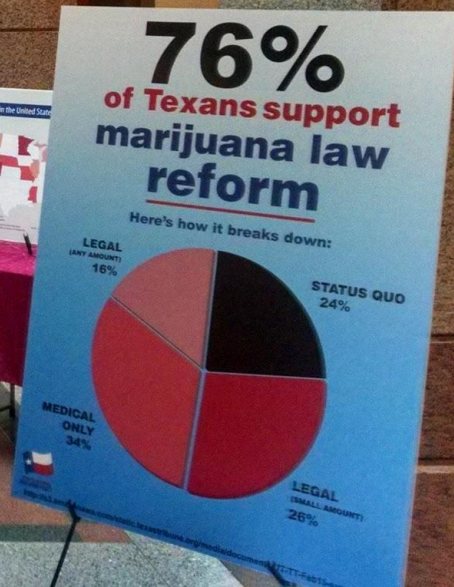
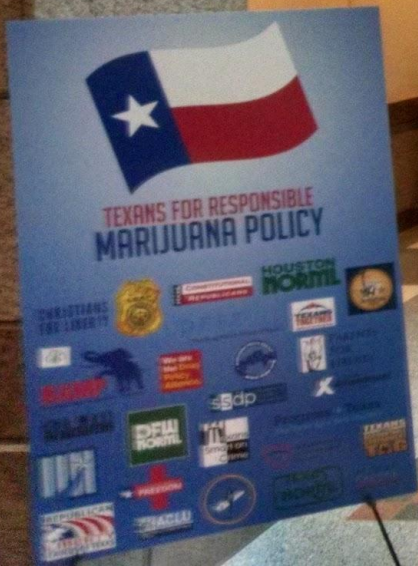
Resource Materials for Lawmakers

Facilitate Committee Hearing Testimony

Direct Actions







# Texas Marijuana Policy

## *Legislative Advocacy Workshop*

TxMJPolicy Objectives	How a Bill Becomes Law
Meeting with Lawmakers	Crafting Testimony
2021 Legislation	Capitol COVID Restrictions
Taking Action Now	

# Adult Use Legalization

Marijuana prohibition has caused far more harm than marijuana ever could, not only for those arrested and prosecuted, but for their families and our communities.

According to national polls — including Pew, Gallup, and CNN — more than 60% of Americans support legalizing marijuana for adults' use.

Legalizing marijuana for adult use (21+) would save our state millions in public safety expenses (arresting officers, prosecutors, court time, probation officers, testing labs.)

Reasonable rates could generate more than \$1 Billion in tax revenue per budget cycle.





# Adult Use Legalization

## **Marijuana is safer than alcohol; possession should not be criminalized in Texas**

- Marijuana is less toxic, less addictive, and less harmful to the body. It does not contribute to violent and reckless behavior. Adults should not be criminalized or incarcerated for choosing to use the safer substance.

## **Save tax-funded resources for serious crime**

- State law enforcement officials report that there were nearly 63,000 arrests or citations in Texas in 2018 for marijuana possession.
- During the same year, 90% of all burglaries — including home invasions — and 86% of all motor vehicle thefts went unsolved by law enforcement.
- Money spent enforcing current laws and arresting, jailing, and supervising people should instead be devoted to pursuing serious criminals.





# Possession of Marijuana

“Marihuana” -- Statutory name for cannabis with more than .3% THC.

## Current State Law

- Up to two ounces of marijuana: Class B misd. punishable by imprisonment of up to six months and a fine of up to \$2,000.
- Between 2-4 ounces of marijuana: Class A misd., punishable by imprisonment of up to 1 year and a fine of up to \$4,000.
- Four ounces or more of flower or any amount of oil or concentrated products: Felony!

**Number of arrests: More than 45,000 Texans arrested for marijuana possession in 2019.**

## Conviction Rates:

An estimated 66% of those charged are CONVICTED. A drug conviction for marijuana creates a permanent criminal record and carries significant and lasting collateral consequences.



# Possession of Marijuana: Penalties and Collateral Consequences

<b><u>Penalty/Collateral Consequence</u></b>	<b><u>Class B Misdemeanor (Current Law)</u></b>	<b><u>Class C Misdemeanor</u></b>
<b>Fine</b>	Up to \$2,000	Up to \$500
<b>Arrest</b>	Yes	Yes
<b>Jail Time</b>	Up to 180 Days	No
<b>Permanent Criminal Record</b>	Yes	Yes
<b>Drivers License Suspension<sup>1</sup></b>	Yes	Yes
<b>License To Carry Suspended<sup>2</sup> (7yrs.)</b>	Yes	Yes
<b>Court Appointed Attorney</b>	Yes	No
<b>Financial Aid Affected<sup>3</sup></b>	Yes	Yes
<b>Military Service Jeopardized<sup>4</sup></b>	Yes	Yes
<b>Naturalization Jeopardized<sup>5</sup></b>	Yes	Maybe
<b>Housing Options Limited<sup>6</sup></b>	Yes	Yes
<b>Professional Licensing Affected<sup>7</sup></b>	Yes	Yes
<b>Work Visa Denied<sup>8</sup></b>	Yes	Yes



# Local Enforcement

Austin - Most recent and far-reaching.

Dallas - El Paso - Houston - San Antonio - Corpus Christi -  
Fort Worth

- Diversion programs, using prosecutorial discretion.  
(Started in Houston.)
- Cite/Summons - law since 2007, but rarely used until recent years.

Testing: Legal Cannabis vs Illegal Cannabis



# However...

45,000 people *still arrested* for possession in 2019.

Recent Report: San Antonio still arresting 65% of those in possession of small amounts of marijuana.

**ALARMING:** In Dallas, 90% of those arrested are Black or Hispanic!

*Get involved locally by connecting with elected officials.*





"I don't want to see our jails  
stock piled with people who  
have possession of small  
amounts of marijuana."

Governor Greg Abbott  
9/28/18



# Possession of Marijuana

## *Penalty Reduction Policy Objectives*

- One ounce or less of marijuana would be punishable by fine only.
- Individuals should not be arrested or jailed for possession of a small amount of marijuana.
- The offense should not generate a criminal record, which can follow a person for life and jeopardize employment prospects, housing, and educational opportunities.
- Twenty-seven states and Washington, D.C. have enacted laws to stop jailing their residents for possession of small amounts of marijuana.



# Texas Compassionate Use Program

## *Low-THC Medical Cannabis Access*

The Texas Compassionate Use Program (T.CUP) was established in 2015. The Legislature expanded the program in 2019, providing access to low-THC cannabis for those with a few medical conditions.

Here's an overview of the program under current law:

### **Limited Patient Access**

- Dosing is restricted to .5% THC, but there are no restrictions on other cannabinoids and terpenes.
- Patients with the following qualifying conditions may participate in the program:
  - All epilepsy and seizure disorders,
  - Multiple sclerosis or spasticity,
  - Terminal cancer or incurable neurological disorders (Alzheimer's, Parkinson's, etc.),
  - Autism or Amyotrophic lateral sclerosis (ALS).
- Three dispensary locations with statewide delivery is available.
- Limited public list of participating physicians.



# Texas Compassionate Use Program

## **Participating Physicians must be Specialists**

- To participate, a physician must be board certified in a medical specialty relevant to the treatment of the patient's particular medical condition

## **Business Licensing and Regulation**

- The Department of Public Safety (DPS) is the regulating authority for our state's medical cannabis program. Rules are developed and maintained by the Public Safety Commission, which is comprised of five members appointed by the governor.
- Three businesses are currently licensed by DPS to cultivate, manufacture/process, and dispense low-THC cannabis. To ensure reasonable statewide access, dispensaries may deliver medicine throughout the state and the department may issue additional licenses. Licensing fees for licensed businesses are nearly \$500,000 for the first two years and more than \$300,000 every two years for renewal. Details about the rules and regulations can be found on the DPS website.





# Compassion Should be Inclusive

## ***Expand the Texas Compassionate Use Program***

Allow safe and legal access to cannabis for those with debilitating medical conditions.

Allow doctors to determine appropriate dosing for individual patients.



# Improving the Compassionate Use Program

**Establish patient protections** to eliminate the threat of being to arrest, prosecution, or penalty in any manner, or denial of any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing. Parental rights should never be denied and students cannot be subject to any form of discipline solely because of possession or use of their medicine.

**Authorize independent laboratories** that would be licensed and regulated, providing consumer protection with regard to potency and contaminants.

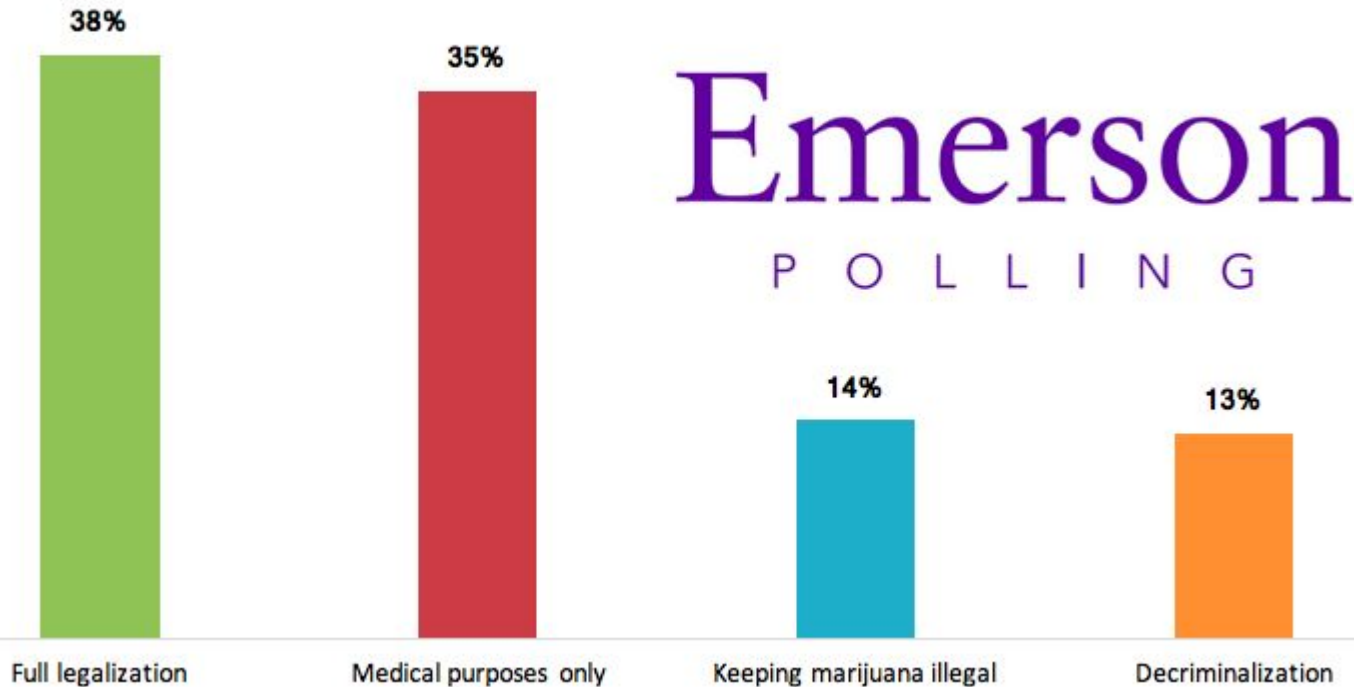
**Protect physicians by allowing them to certify patients through the state registry**, rather than “prescribing” cannabis, an action that would jeopardize their registration with the DEA/their ability to prescribe controlled substances. Also, ensuring they may not be denied any right or privilege or be subject to disciplinary action solely for making a written or oral statement that, in the physician’s professional opinion, the potential benefits of the use of cannabis would likely outweigh the health risks; or participating in research programs.




# Public Polling - 86% Support Reform

Which of the following marijuana policies do you favor?

Texas, April 25-28, MM, RV, n=799, +/- 3.4%

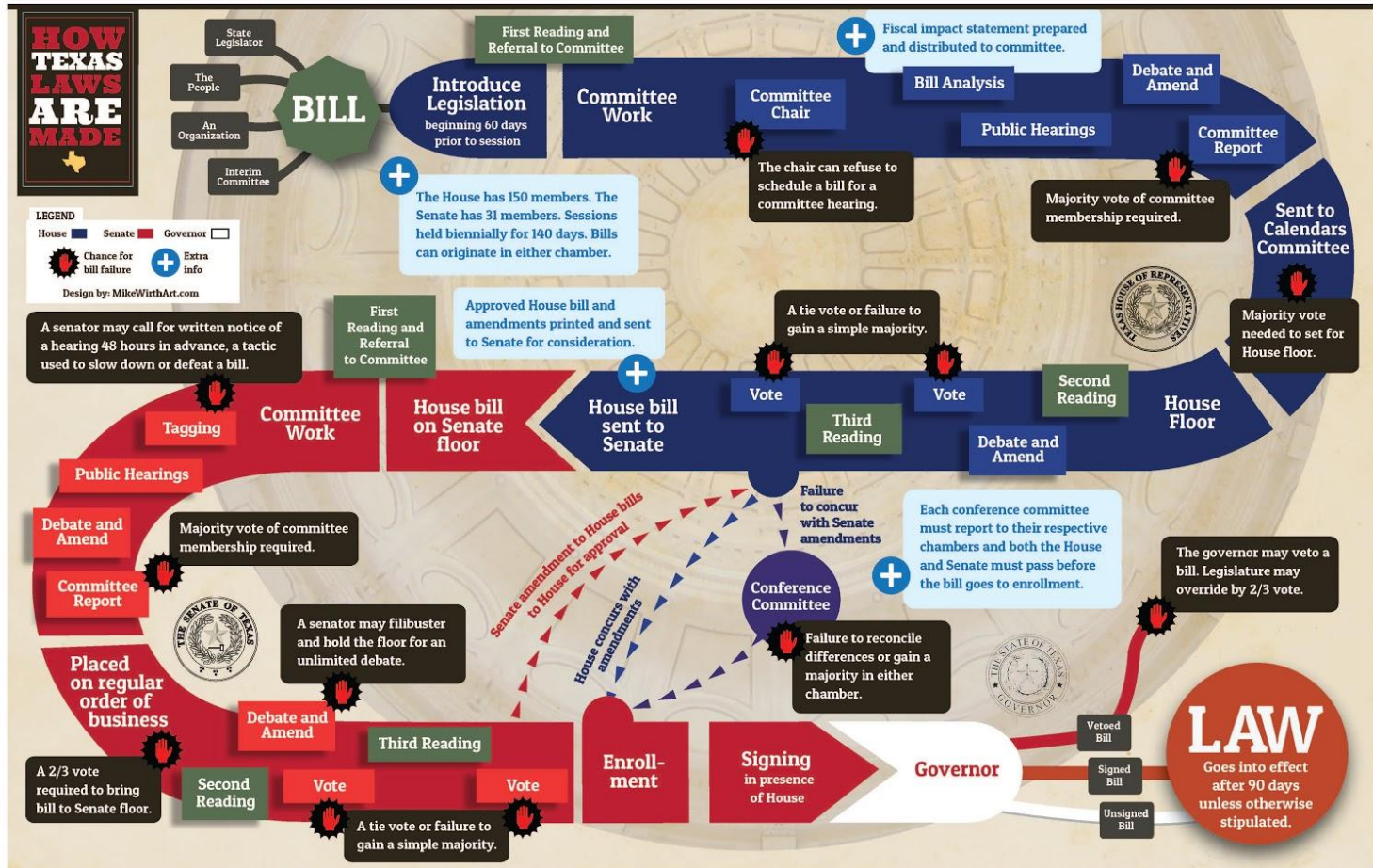




A photograph of the Texas State Capitol building in Austin, Texas. The building is a large, classical-style structure with a prominent dome and a portico with columns. A Texas state flag flies on a tall pole in front of the building. The sky is blue with scattered white clouds. In the foreground, there is a green lawn and a large tree on the left side. A white rectangular box is overlaid on the lower half of the image, containing the title and subtitle.

# 87th Texas Legislative Session

With Jax Finkel



# Preparation: Advocate Worksheet

Identify which Texas State Senator and Texas Representative represents you.

Make note of their:

- In-District Office Address
- Capitol Building Room #
- In-District and Capitol Phone Numbers
- Email

Research:

- Voting Records
- What Committees they sit on
- What types of bills they typically author or support
- Any personal connection

# Meeting with Legislators/Staffers

- Call the In-District or Capitol Office to schedule a meeting
- Prepare your introduction and talking points
  - Make your message personal by sharing your perspective as constituent, even if it's just that you are a taxpayer who wants to see resources used more efficiently. Personal and professional experience are important to share.
- Bring resource materials to leave behind, including a 1-2 page testimonial with your personal story and contact information.
- Remain polite and professional even if you don't receive the responses you're hoping for.
- Always express gratitude for their time and service to your district.
- After meeting, follow up as needed



# Etiquette

## Basics:

1. **Dress professionally**, as though you were going to church or an interview for an office job, and arrive 5 10 minutes early.
2. **Have your talking points** and notes prepared, including handouts or resources to leave with the office.
3. **Consider and ask about concerns** your legislator may have regarding the specific type of marijuana legalization you are going to discuss. Have counterpoints to common misconceptions in your back pocket in case they are brought forth. If you do not have the knowledge or resources to address your legislator's concern, please make note of their concern, do research on the subject, and follow up. If you say you will follow up with info, you must do so!



# Etiquette

## **Always:**

1. Be courteous and respectful (without gushing).
2. Clearly and simply state the purpose of your visit. If it's about a certain bill, identify it correctly.
3. Use specific examples, a personal story, and evidence to support your position.
4. Represent yourself as a voter and constituent of the district. You want your message to count individually.
5. State what you want done, or recommend a course of action.
6. Thank the member or their staff for taking the time to meet with you.
7. When addressing your legislator, address them as “Representative/Senator Last Name.”

# Etiquette

## **Never:**

1. Use vulgarity, profanity, or threats. The first two are just plain rude, and the third one can get you a visit from the Secret Service. Simply stated, don't let your passion get in the way of making your point.
2. Say that you will follow up with information and fail to do so. This shows a lack of reliability.

# Joint Resolution

A type of legislative measure that requires adoption by both chambers of the legislature but does not require action by the governor. A joint resolution is used to propose amendments to the Texas Constitution, ratify amendments to the U.S. Constitution, or request a constitutional convention to propose amendments to the U.S. Constitution.

Before becoming effective, the provisions of joint resolutions proposing amendments to the Texas Constitution must be approved by the voters of Texas.

# Capitol COVID Restrictions

## Building Public Hours

- 9AM - 6PM, Monday - Friday
- Closed Saturday and Sunday for building cleaning

## Public Health Precautions:

- The public may only enter via the north door of the Capitol.
- COVID-19 testing is highly recommended and easily accessible on the north plaza at no expense. No personal data will be collected.
- At this time, a mask worn over the mouth and nose is required at all times inside the building.
- Public visitor capacity limits will be observed and social distancing required in all public areas at all times.
- All deliveries must be left at the loading dock. No delivery personnel are allowed beyond the loading dock or to enter through the public entrance.
- No public tours or groups or sponsored event space will be available.

The House and Senate will manage public access to their offices and assemblies once convened and rules are adopted. Visitors are encouraged to check with members' offices for specific guidelines.

# Capitol COVID Restrictions

- Temperature and Symptom Checks
- Plexiglass dividers
- Most staff not allowed at the dias
- Limited number of witnesses in at a time
- Auditorium not for reservations and this may extend to meeting rooms due to need for social distancing the overflow of witnesses.
- Committees meeting every other week
- Limited number of bills being assigned to committee
- Food service restrictions
- Limited access to chambers. Media will likely be in the Gallery vs the floor. It is unknown if the public will yet be allowed

To arrive at the Capitol: Air purification have been installed in the chambers but still need to be installed in all the committee rooms, conference rooms, and every office.



# What Does This Mean?

- Virtual meeting with legislators and staff
- No lobby day
- Unmanned educational exhibits
- Contactless and digital handouts and material
- Prepare testimony in advance in case of more strict witness guidelines
- Prepare for guidelines to change at any time

# Taking Action Now

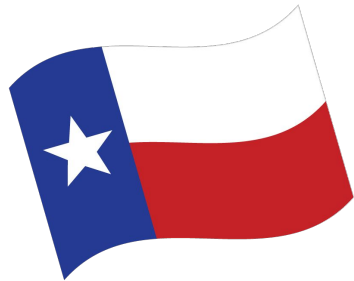
- Focus on SENATORS
- Craft Your Testimony
- Video Meetings with Legislators and Staff
- [RESPECTFUL] Social Media Contact
- Op-Eds and LTEs
- Mobilize Others!



# Contact Us!



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