

BILL ANALYSIS

C.S.H.B. 557
By: Farias
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that for decades Texans have been unable to legally grow industrial hemp but that recent federal legislation has enabled state legislatures to legalize industrial hemp production for certain purposes. The parties further note that while the United States is one of the world's largest consumers of hemp products, farmers in Texas and throughout the country have yet to see the potential that industrial hemp could bring to the agriculture community. Industrial hemp is related to marihuana but contains little to none of the psychoactive ingredient in marihuana associated with the negative impact of that illicit drug. C.S.H.B. 557 seeks to address these issues in order to help Texas stay ahead of the national curve and support research that could have a dramatic impact on the Texas economy and agribusiness.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 557 amends the Agriculture Code to authorize the Department of Agriculture (TDA) or an institution of higher education to grow or cultivate industrial hemp for certain research purposes as provided by applicable federal law. The bill establishes that a person does not violate Health and Safety Code provisions making it an offense to deliver marihuana, possess marihuana, or possess or deliver drug paraphernalia 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 the bill's provisions and the person is the TDA or an institution of higher education participating in the research or an employee, student, or other person affiliated with the TDA or an institution of higher education participating in the research.

C.S.H.B. 557 amends the Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to authorize a person to possess industrial hemp without registering under the Texas Controlled Substances Act if the person is the TDA or an institution of higher education participating in research allowed under the bill's provisions or an employee, student, or other person affiliated with the TDA or the institution of higher education participating in the research.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B 557 differs from the original in minor or nonsubstantive ways to conform to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.