

## **BILL ANALYSIS**

H.B. 1178  
By: Crockett  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Texans can be erroneously charged with drug possession for simply owning items considered "drug paraphernalia." Drug possession and possession of drug paraphernalia are two different crimes that law enforcement and prosecutors often conflate. Syringes are often included in this category, and clean needle exchanges held by clinics are difficult to operate under this law. H.B. 1178 seeks to address this issue by repealing the offense for the use or possession of drug paraphernalia.

### **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**

H.B. 1178 repeals Sections 481.125(a) and (d), Health and Safety Code, which create a Class C misdemeanor offense for a person who knowingly or intentionally uses or possesses with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of the Texas Controlled Substances Act or to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of that act.

H.B. 1178 establishes that the bill's provisions apply to conduct that occurs before, on, or after the bill's effective date, except that a final conviction for an offense that exists on that date is unaffected by the bill.

### **EFFECTIVE DATE**

September 1, 2021.