

Texas Prosecutors' Hemp/Marijuana case filing policy

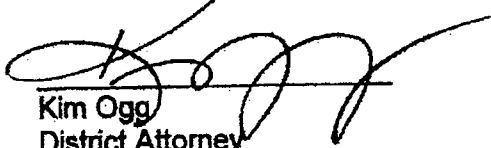
House Bill 1325 was signed into law by the Governor last month and became immediately effective. The House Bill creates a State of Texas Hemp Production Plan, and now allows farmers to grow hemp as a crop. The new definition of Hemp necessarily changes the definition of marijuana. "Marijuana means the plant *Cannabis sativa* L., whether growing or not, the seeds of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds. The term does not include ... hemp, as that term is defined by Section 121.001, Agricultural Code." Hemp is defined by Section 121.001, as "the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a *delta-9 tetrahydrocannabinol* concentration of not more than 0.3 percent on a dry weight basis."

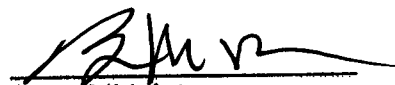
If the THC concentration of a *cannabis sativa* L. plant is less than 0.3 percent, the substance is hemp; if the THC concentration of *cannabis sativa* L. plant is greater than 0.3 percent, the substance is marijuana. Under the new law, to determine if a substance is marijuana or hemp, laboratory testing is required to show the THC concentration.

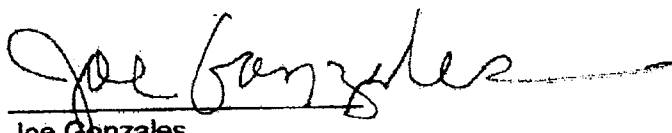
Therefore, in order to follow the Law as now enacted by the Texas Legislature and the Office of the Governor, the jurisdictions represented by the undersigned elected District Attorneys will not accept criminal charges for Misdemeanor Possession of Marijuana (4 oz. and under) without a lab test result proving that the evidence seized has a THC concentration of over .3%.


Felony Marijuana charges will be evaluated on a case by case basis by our respective Offices. In the proper instances, such charges may be taken while lab test results are pending.

You may receive more specific instructions from your local District Attorney's Office.


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